

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1325424-0

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~~100-7784-1~~

January 23, 1941

100-25688-X

124623

MEMORANDUM FOR THE ASSISTANT TO THE ATTORNEY GENERAL

MR. MATTHEW F. McGUIRE

For your information, I am setting forth the following letter which was directed to the New York Office of this Bureau by [redacted]

[redacted], Long Island, New York:

b7D

"In writing this letter I want you to know that it is only because I feel it is important enough for the Bureau of Investigation to know the following in order to facilitate matters and thereby help in whatever measure I can.

"There is a person I know who received an appointment in the Legal Division of the Labor Relations Department, in Washington, sometime in the latter part of March of this year. (1940) His name is Frank Denner or perhaps he spells it Doner. He is definitely in sympathy with the Communist movement and everything that is part of it. He has expressed his views on the subject and has given me and certain of my friends reason to know that he is completely in accord with the work being carried on by the Communists in this country. He visited Russia either last year or the year before, I can't remember exactly, only to return very much pleased and enthused with the work being done over there.

COMMUNICATIONS SECTION

MAILED

★ JAN 23 1941 ★

P. M.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

- 2 -

"My purpose in writing this letter is primarily to inform you of the above and, at the same time, express my opposition to a person of his calibre holding a responsible position in the employ of the United States Government - when I might add, there are so many truly American boys waiting for a chance such as that.

"This letter is confidential and is sent with the specific understanding that its source and contents are not to be divulged.

"If there is any further information you desire concerning the above mentioned person, please call on me and I shall make every effort to ascertain the facts for you."

No investigation is being undertaken in this matter in view of the fact that the person complained against, Frank Donner, is an employee in the Legal Division of what the writer refers to as the "Labor Relations Department" which appears to be the National Labor Relations Board.

Very truly yours,

John Edgar Hoover
Director

Tolson _____
Clegg _____
E. A. Tamm _____
Foxworth _____
Nathan _____
Ladd _____
Cann _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Rm. _____
Mr. Nease _____

Federal Bureau of Investigation
United States Department of Justice
New York, New York

MMC:HM

January 9, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

Dear Sir:

There is set forth below the
contents of a letter received at this Office from

Long Island, New York:

" In writing this letter I want
you to know that it is only because I feel
it is important enough for the Bureau of
Investigation to know the following, in order
to facilitate matters and thereby help in
whatever measure I can.

" There is a person I know who re-
ceived an appointment in the Legal Division of
the Labor Relations Department, in Washington,
sometime in the latter part of March of this
year. (1940) His name is Frank Donner or
perhaps he spells it Doner. He is definitely in
sympathy with the Communist movement and every-
thing that is part of it. He has expressed his
views on the subject and has given me and certain
of my friends reason to know that he is completely
in accord with the work being carried on by the
Communists in this country. He visited Russia
either last year or the year before, I can't
remember exactly, only to return very much pleased
and enthused with the work being done over there.

RECORDED & INDEXED 100-25688-X
" My purpose in writing this letter is
primarily to inform you of the above and, at the
same time, express my opposition to a person of
his calibre holding a responsible position in the
employ of the United States Government - when I
might add, there are so many truly American boys

JAN 10 1941
U. S. DEPARTMENT OF JUSTICE

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MMC:HM

January 9, 1941

waiting for a chance such as that.

" This letter is confidential and is sent with the specific understanding that its source and contents are not to be divulged.

" If there is any further information you desire concerning the above mentioned person, please call on me and I shall make every effort to ascertain the facts for you. "

The indices of the New York Field Division fail to reflect any information concerning the individual mentioned in the above communication. No action in this matter is being contemplated by this Office in the absence of Bureau instructions to the contrary.

Very truly yours,

B. E. Sackett
mmc

B. E. SACKETT,
Special Agent in Charge

101-457-1
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101-457-4

May 14, 1941

RECORDED

100-25688-X1

Special Agent in Charge
St. Louis, Missouri

Re: Grant Cannon
Initiation.

Dear Sir:

There are transmitted herewith two copies of a letter to Honorable Arthur V. McNair, The Assistant to the Attorney General, U. S. Department of Justice, Washington, D. C., dated April 6, 1941 from Mr. R. A. Willis, Chairman of the National Labor Relations Board. There are also transmitted herewith two copies of a memorandum which has been submitted by Mr. R. A. Willis to the attention of Mr. McNair, Department of Justice, reflecting information concerning Grant Cannon a Field Examiner connected with the National Labor Relations Board at St. Louis, Missouri. Mr. Willis has requested that an investigation be conducted concerning the activities of Mr. Cannon.

A letter from the St. Louis Field Division to the Bureau dated March 7, 1941 reflects that Mr. Grant Cannon maintains an apartment at 4742 East Vine Boulevard, St. Louis, Missouri.

You are instructed to immediately institute an investigation to determine whether Grant Cannon is employed by the National Labor Relations Board in violation of Section 9a of the Labor Act. Efforts should be made to determine whether he is a member of the Communist Party or any other organization which advocates the overthrow of the present form of Government in the United States.

The attention of the San Francisco Office is called to the letter from that Office to the Bureau dated February 2, 1937 entitled, "Subversive Activities - General" (Bureau File 61-7580), which reflects that Grant Cannon is temporary instructor of the Berkeley, California Unit of the Workers Alliance.

The San Francisco Office is instructed to conduct an appropriate investigation in the district to determine the activities of Cannon in connection with Communist organizations.

COPIES DESTROYED

ORIGINAL FILED IN 100-1955-11

SAC, St. Louis, Missouri

- 2 -

The Washington Field Division is instructed to immediately make an appropriate investigation of the National Labor Relations Board, Washington, D. C., for any further information concerning the background and history of Court Hansen.

It is desired that the names of all individuals interviewed be included from the body of the investigative reports and that their names be set forth in a page immediately preceding the summarized facts set forth in the report.

The names of business firms and organizations, however, should be listed in the body of the report.

You are instructed to give this matter your immediate and continuous attention. I desire that this investigation be completed and reports submitted to the Bureau not later than June 16, 1941.

Very truly yours,

John Edgar Hoover
Director

CC - San Francisco
Washington

DEPARTMENT OF JUSTICE

WASHINGTON

April 26, 1941

MEMORANDUM FOR HONORABLE J. EDGAR HOOVER,
Director, Federal Bureau of
Investigation.

By letter dated April 8, a copy of which is enclosed, Chairman Millis of the National Labor Relations Board requested that an investigation be made concerning subversive activities on the part of twelve employees of the Board listed in his letter. You are requested to conduct the desired investigation.

Chairman Millis transmitted with his letter memoranda containing data bearing on each of the persons to be investigated. These memoranda are enclosed herewith.

MATTHEW F. MCGUIRE
The Assistant to the Attorney General

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100-25688-
FEDERAL BUREAU OF INVESTIGATION
APR 30 1941
U. S. DEPARTMENT OF JUSTICE

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Attention, Mr. McGuire, Department of Justice

Under date of January 27, 1941, you sent the National Labor Relations Board a letter reading as follows:

"The Federal Bureau of Investigation has received a complaint that one Frank Donner, said to be employed in the Legal Division of the National Labor Relations Board, is definitely in sympathy with the Communist Movement."

Upon receipt of this letter the Board made a conditional request for investigation. This was under date of February 3. Since that time I have found Mr. Donner's name in a list of some fifteen Board employees said to be at least Communistically inclined. The source of this list is unknown to me. I have also received a typewritten statement from an unknown source, but said to be reliable, the typewritten statement reading as follows:

"In December, 1940, Donner was reported to have attended a mass meeting of the "Washington Committee for Democratic Action" at Washington, D. C. At this meeting, Donner, as a member of the "Civil Rights Committee", introduced a resolution opposing the Smith and Hoffman House legislation pending at that time, which was represented in the resolution as embodying the "vicious attack against American workers by the enemies of labor in the guise of promoting defense and preventing sabotage."

He was likewise reported by an associate at the time of his connection with the Legal Division of the National Labor Relations Board as being definitely in sympathy with the Communist Movement and everything that was a part of it. This party advised that Donner had visited Russia in 1939, or 1940, and at the time of his return had advised that he was very much pleased and enthused with the work being done over there."

Investigation of and report on any subversive activities of Mr. Donner is requested.

Sincerely yours,

H. A. Millis

H. A. Millis

100-25688-X1

Ralph D. Winstead, Field Examiner on special assignment, now going to St. Paul, Minneapolis, Sioux City and St. Joseph, Missouri, in that order;

Sara Gordon, Junior Stenographer, in the Board's Pittsburgh office;

Out.Re- x Marie Prince, Junior Stenographer, in the Board's
port rec'd Cleveland office.
Apr.17

Attached hereto are charged received concerning these several employees of the Board. Some of them have been transmitted by you; others have come to me directly, quite confidentially and usually from sources unknown to me. I am sorry that I can not give you precise information as a basis for the investigations requested.

Sincerely yours,

(s) H. A. Millis

H. A. Millis

C O P Y

NATIONAL LABOR RELATIONS BOARD
Washington, D.C.

April 8, 1941

Honorable Matthew F. McGuire
The Assistant to the Attorney General
Department of Justice
Washington, D. C.

Dear Mr. McGuire:

As Chairman of the National Labor Relations Board, I wish to thank you for the excellent report received a few days ago on Welford King, a messenger employed at the Board's San Francisco office.

I now send you herewith the names and addresses of twelve employees of the Board with a request that each of them be investigated with reference to any subversive activities and report made to me as Chairman of the Board. The names and addresses are as follows:

Grant Cannon, Field Examiner, attached to the Board's St. Louis office;

Frank V. Donner, Briefing Attorney, here in the Washington office;

Bertram Edises, Briefing Attorney, also here in the Washington office;

Isadore Kameroff, Field Examiner, attached to the Board's Milwaukee office;

Henry W. Lehmann, Attorney, attached to the Board's Minneapolis office;

Will Maslow, Attorney, attached to the Board's New York office;

Joseph Sandler, Review Attorney, here in the Board's Washington office;

Mark Lauter, Attorney, attached to the Board's New York office;

William Stix, Briefing Attorney, here in the Washington office;

100-25688-X1

MAIL

May 15, 1941

MEMORANDUM FOR MR. L. M. C. SMITH
CHIEF, SPECIAL DEFENSE UNIT

There is transmitted herewith a dossier showing the information presently available in the files of this Bureau with respect to FRANK J. DONNER whose address is 3620 16th Street, N.W., Washington, D. C.

It is recommended that this individual be considered for custodial detention in the event of a national emergency. The information contained on the attached dossier constitutes the basis for appropriate consideration in this regard.

It should be understood, of course, that additional information may be received from time to time supplementing that already available in the Bureau's files, and as such data are received they will be made available to you so that the dossier in your possession may be supplemented thereby.

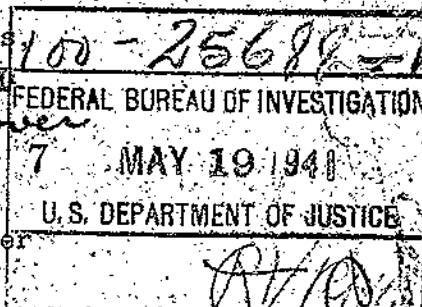
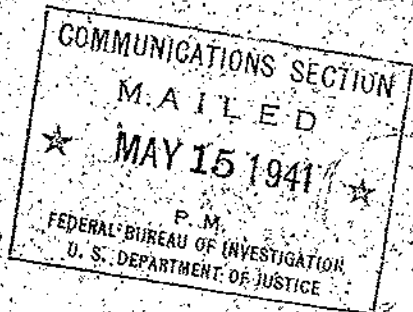
It will be greatly appreciated if you will advise this Bureau at your earliest convenience as to the decision reached in this case.

Very truly yours,

RECORDED & INDEXED

J. E. Hoover

John Edgar Hoover
Director



Enclosure

CH-16

DAD, Washington

- 3 -

Immediately institute an investigation concerning his activities to determine whether he is employed by the National Labor Relations Board in violation of Section 9a of the Smith Act. Efforts should be made to determine whether he is a member of the Communist Party or any other organization which advocates the overthrow of the present form of Government in the United States.

It is desired that the names of all individuals interviewed be included from the body of the investigative report and that their names be not struck on a page immediately preceding the unclassified leads set forth in the report.

The names of business firms and organizations, however, should be listed in the body of the report.

I desire that you give immediate and continuous attention to this investigation and that it be completed and a report submitted to the Bureau not later than June 10, 1951.

Very truly yours,

John Edgar Hoover
Director

cc - Assistant Director E. J. Connelley

FBIHQ:klb
100-1955-11

May 14, 1941

RECORDED-100-770-2

Special Agent in Charge
Washington, D. C.

Re: Frank V. Donner
Hatch Act.

Dear Sir:

The Bureau has received copies of a letter transmitted to Honorable Matthew F. McFaire, The Assistant to the Attorney General, U. S. Department of Justice, Washington, D. C., dated April 6, 1941 by Mr. R. A. Hillis, Chairman of the National Labor Relations Board, together with a memorandum submitted by Mr. Hillis to the attention of Mr. McFaire, Department of Justice, concerning Frank V. Donner. Copies of the letter and memorandum are being transmitted herewith for your information.

It is noted that Mr. Hillis desires an investigation conducted concerning the activities of Frank V. Donner who is a Chiefing Attorney of the National Labor Relations Board at Washington, D. C.

The files of the Bureau reflect a letter from the New York Field Division dated January 9, 1941 which reflects that [redacted]

[redacted] Long Island, New York, wrote a letter to the New York Office in which she advised that she knew Frank Donner, who received an appointment in the Legal Division of the Labor Relations Department in Washington, D. C., in March, 1940. She alleged in her letter that he is definitely in sympathy with the Communist movement and everything that is part of it; that he has expressed his views on the subject and had given her and certain friends of hers reason to know that he is completely in accord with the work being carried on by the Communists in this country. She further advised that he had visited Russia within the last year or two and returned to the United States very much pleased and enthused with the work being done in Russia.

This information is being called to the attention of the New York Field Division in order that Gertrude B. Kelley may be interviewed by that Office for additional information.

Mr. Hillis has requested that an investigation be conducted concerning the activities of Frank V. Donner. You are instructed to

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Tracy _____
Miss Gandy _____

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W
DONNER, FRANK J.

COMMUNIST

3620 - 16th Street, N. W.
Washington, D. C. 4-4-41

Assistant Attorney, National Labor Relations Board, Wash., D. C. Member
of Washington Committee for Democratic Action, Wash., D. C. (Conf. Inf.
[redacted], W.F.O., 100-4590-9).

Definitely in sympathy with Communist movement & everything that is part
of it. Has expressed his views on subject & has given complainant and
her friends reason to know he is completely in accord with work carried on
by C. P. in U. S. Visited Russia in either 1939 or 1940 & returned highly
pleased & enthusiastic about work being done there.

Member of Civil Rights Committee, Washington Committee for Democratic Action.
As such participated in mass meeting at Burlington Hotel, Wash., D. C. on
12-18-40 which protested efforts seeking "to undermine the civil rights &
liberties of employees of the Federal Government." As evidence of action
by "instrumentalities of the Federal Government" tending to undermine em-
ployees' rights, speakers cited Civil Service circular sent to department

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heads advocating dismissal of undesirable employees, & referred to
"unwarranted" delving into private lives of workers. (Wash., D. C.,
Evening Star, 12-19-40, 61-7551-A). *not* ✓

Kfor

Federal Bureau of Investigation
United States Department of Justice
Washington Field Office, 1437 K St. N. W.
Washington, D. C.

June 24, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

RE: FRANK JARVIS DONNER
HATCH AOT

Dear Sir:

This is to advise that a thirty-day mail cover
has been placed with the Postmaster, on FRANK JARVIS
DONNER, at 1869 Mintwood Place, Northwest..

Very truly yours,

S. K. McKee
S. K. McKee
Special Agent in Charge

CCO:MHL
101-7

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&
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100-25688-3

FEDERAL BUREAU OF INVESTIGATION
JUN 25 1941
U.S. DEPARTMENT OF JUSTICE
FIVE

CH-18

RECORDED COPY FILED IN 62-23533-7189

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT WASHINGTON, D. C.

FILE NO. 101-7

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 6-23-41	PERIOD FOR WHICH MADE 6/6,7,12,19,20/1941	REPORT MADE BY C. C. ORTON	CCO:RE
TITLE FRANK JARVIS DONNER			CHARACTER OF CASE HATCH ACT	

SYNOPSIS OF FACTS:

FRANK JARVIS DONNER born February 25, 1911, Brooklyn, New York; graduated from Wisconsin University, 1934, A.B. and M.A. degrees; Columbia Law School, 1937, L.L.B.; admitted to New York bar in March 1938. Police reporter Newark "Star-Eagle" 1930 and 1931. Associated with Professor GOEBEL of Columbia Law School faculty from 1937 to 1940. Collaborated with ISADOR POLIER in writing "Status and Rights of Injured Relief Workers". With National Labor Relations Board since March 23, 1940 as Assistant Attorney, class P-2, at \$2600 per annum. In Litigation Enforcement Section, Legal Division. Subject associated with front organizations. Wife, MADELINE, with Farm Security Administration since August 8, 1936, as assistant statistician, at \$3000 per annum. Subject has no criminal record in Washington, D. C.

- P -

REFERENCE:

Bureau letter dated May 14, 1941, Bureau File No. 100-7784.

DETAILS:

AT WASHINGTON, D. C.

This investigation was conducted pursuant to reference letter, which had enclosed a copy of a letter dated April 8, 1941.

INDEXED

APPROVED AND FORWARDED: <i>S. K. McKe...</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES DESTROYED 7-10-58	COPIES OF THIS REPORT P-23	100-25288-4	JUL 14 1941
5 Bureau 2 New York 2 Milwaukee 2 Newark 2 Washington Field		JUN 25 1941	

1-100-25288-4

from H. A. MILLIS, Chairman, National Labor Relations Board, to the Honorable MATTHEW F. McGUIRE, Assistant to the Attorney General, Department of Justice, requesting an investigation of subject to determine if there is a violation of the Hatch Act.

Source of information A was contacted and the following information obtained:

FRANK JARVIS DONNER was born in Brooklyn, New York, on February 25, 1911, and he attended Barringer High and West Side High Schools, Newark, New Jersey, from 1925 to 1929, University of Wisconsin in 1929 and 1930, and from 1931 to 1934, from which University he received an A.B. and Masters degree.

While at the University of Wisconsin he became a member of Phi Beta Kappa during his junior year and specialized in courses dealing with the causes of labor problems. He also received the gold Jubilee Medal for the best thesis in social sciences.

He attended Columbia Law School from 1934 to 1937 and received an L.L.B. degree upon graduation.

During 1937 he was on a scholarship to Columbia and was assistant to Professor JULIUS GOEBEL in Legal History and was admitted to practice before the New York bar in 1938.

During 1930 and 1931 he was a police reporter for the Newark "Star-Eagle". In 1937, when he was in his senior year at Columbia University, until 1940 he was associated with Professor GOEBEL, and it is reported that he claimed a \$2500 annual scholarship from a foundation from 1937 to 1939. During that time he resided at 615 Kent Hall, Columbia Law School, New York City.

During the time he was associated with Professor GOEBEL, he collaborated with ISADOR POLIER in writing "Status and Rights of Injured Relief Workers", which was published in the Columbia Law Review in April 1936. He also had numerous articles published in the Commonwealth Fund.

Subsequently he wrote an article entitled "Religious Liberty in the Law", which is reported to be an 180-page article which was written for the conference on Jewish relations, and

this same article was later placed in book form. DONNER also wrote an article on the National Labor Relations Board for the Consumers League, New York City.

DONNER commenced employment with the National Labor Relations Board on March 23, 1940, as an Assistant Attorney, Grade P-2, at \$2,600.00 per annum, in the Litigation Enforcement Section, Legal Division. He claims his legal residence to be New York, New York.

Source of Information B was contacted and advised that he did not have any close relations with the subject and was unable to furnish any information as to the subject's Communist or subversive activities.

The files of the Washington Field Office contain information which was ascertained from a highly confidential source that DONNER'S name appears in the indices of the Washington Committee for Democratic Action, which is reported to be a Communist front organization.

Sources of Information C and D were contacted and advised that they did not know the subject personally.

Source of Information E, who was suggested by one of the sources of information in this report as being in a position to furnish information regarding the subject's subversive activities was not contacted inasmuch as it was confidentially ascertained that she is associated with the following groups: The Capitol City Forum, The League of Women Shoppers, The Washington Committee for Democratic Action, The Keep Out of War Congress.

Source of Information F advised that subject resided in Apartment 702, Oaklawn Terrace Apartments, 3620 - 16th Street, N.W., for a period of about 8 months and that he left there in 1940.

Source of Information F also advised that he lived with a BERTRAM DIAMOND during that period; that he kept very much by himself and did not associate with any other tenants of the apartment house.

Source of Information G advised that she had no personal associations with the subject and that he had lived for a short time in the above apartment and that other tenants of the apartment building had no knowledge of his activities or associations.

Source of Information H advised that subject had moved into Apartment #1, 2201 - 15th Street, N.W., on October 1, 1940, and that he resided there with a WILLIAM W. COX; that subject

was married on about December 1, 1940, and moved out of the apartment house and an ERWIN B. ELMANN took his place. Source of Information H also advised that subject had previously been divorced and that this was his second marriage.

Source of Information I advised that subject and his wife, MADELINE DONNER, had moved into the apartment house located at 1869 Mintwood Place, N.W., about six months ago and that subject and his wife are both employed and do not generally associate with other members of the apartment house.

Source of Information J was not contacted because of his intimate relationship with the subject. It should be noted that Source of Information J is a member of the National Lawyers Guild.

Source of Information K advised that subject had married in about December, 1940; that this is his second marriage; and that his wife, MADELINE DONNER, is employed in the Farm Security Administration as an Assistant Statistician at a salary of \$3,000.00 per annum.

Subject has no police record in Washington, D. C.

UNDEVELOPED LEADS

For the information of the Milwaukee and Newark offices, the Bureau had requested that report on this investigation be completed and submitted by June 16, 1941. It is, therefore, requested that investigation on this case be given your immediate attention.

THE NEW YORK FIELD DIVISION

AT FOREST HILLS, LONG ISLAND

Will contact [redacted] Long Island, in accordance with reference letter. b7D

AT NEW YORK CITY

Will conduct a discreet investigation at Columbia Law School to determine the background of the subject and if he has any radical or Communistic tendencies.

Subject, in his personnel file, listed MARK LAUTER, National Labor Relations Board Attorney, Woolworth Building, and MARY DUBLIN, General Secretary, National Consumers League, 156 Fifth Avenue, New York City, as references. These two references and Professor JULIUS GOEBEL of the Columbia Law School faculty should be contacted only after it has been ascertained that they are not "fellow travelers".

THE MILWAUKEE FIELD DIVISION

AT MADISON, WISCONSIN

Will conduct a discreet investigation to ascertain subject's Communistic tendencies while at the University of Wisconsin and review thesis written by subject.

THE NEWARK FIELD DIVISION

AT NEWARK, NEW JERSEY

Will conduct a discreet investigation to determine subject's Communistic tendencies while reporter on the "Star-Eagle".

THE WASHINGTON FIELD DIVISION

AT WASHINGTON, D. C., will report the results of mail cover placed on subject.

- P E N D I N G -

Sources of Information

Source of information A is JOHN C. SHOVER, Director of Personnel, National Labor Relations Board, Shoreham Building.

Source of information B is H. A. MILLIS, Chairman, National Labor Relations Board, Shoreham Building.

Source of information C is ROBERT B. WATTS, Chief Counsel, National Labor Relations Board, Shoreham Building.

Source of information D is GARNET PATTERSON, Director, Field Division, National Labor Relations Board, Shoreham Building.

Source of information E is [REDACTED]
[REDACTED] National Labor Relations Board, Shoreham Building.

Source of information F is Mrs. DOROTHY CORDELL, 9704 Sutherland Drive, Silver Spring, Maryland, switchboard operator at Oaklawn Terrace Apartments, 3620 16th Street, N. W.

Source of information G is Mrs. CLAUDE WITAKER, Apartment 703 Oaklawn Terrace Apartments, 3620 16th Street, N. W. b7D

Source of information H is J. H. DAVIDSON of the real estate firm of Davidson and Davidson, 1013 15th Street, N. W., agents for apartment house located at 2201 15th Street, N. W.

Source of information I is FRANK BAILEY, colored caretaker at apartments located at 1869 Mintwood Place, N. W.

Source of information J is [REDACTED], attorney for National Labor Relations Board, Shoreham Building.

Source of information K is the Credit Bureau, 1221 G Street, N. W.

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT: WASHINGTON, D. C.

Milwaukee

FILE NO. 101-3

REPORT MADE AT MILWAUKEE, WISCONSIN	DATE WHEN MADE 7/10/41	PERIOD FOR WHICH MADE 6/30/41; 7/7, 8/11	REPORT MADE BY C. B. HOWARD	CBH/pkn
TITLE FRANK JARVIS DONNER <i>Frank J. Donner</i>			CHARACTER OF CASE HATCH ACT	
SYNOPSIS OF FACTS: <p><i>Frank J. Donner</i></p> <p>FRANK JARVIS DONNER born February 25, 1911 at Brooklyn, New York. Enrolled University of Wisconsin, Madison, Wisconsin September 29, 1930 and graduated with high honors June 18, 1934 receiving BA and MA Degrees. Member Phi Beta Kappa, honorary fraternity. Received Gold Jubilee Medal for best thesis in Social Sciences writing on "Married Women's Rights in Wisconsin during 19th Century and Homestead Exemption Laws in Wisconsin during 19th Century". Regarded by faculty as an exceptionally brilliant student with an active, alert mind and of strong character with fine sense of decency and fairness. Professors working closely with Subject of opinion he is wholly in accord with Democratic form of Government and not possessed of any un-American left-wingish or Communistic tendencies. Subject not known to have been active in any organizations, groups or societies while at the University. Neighborhood investigation negative. No criminal or credit record, Madison.</p> <p>- RUC -</p>				
REFERENCE: <p>Report of Special Agent C. C. ORTON dated at Washington, D. C. 6/23/41.</p>				
APPROVED AND FORWARDED: <i>H. S. Malone</i>	SPECIAL AGENT IN CHARGE <i>Malone</i>	DO NOT WRITE IN THESE SPACES 100-25688-5 JUL 22 1941 JUL 14 1941 <i>Malone</i> <i>Malone</i>		
COPIES OF THIS REPORT 5 - Bureau 2 - Washington Field 2 - Milwaukee 1 - Bureau				

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DETAILS:

AT MADISON, WISCONSIN

Miss ESTHER MADSEN, Registrar's Office, University of Wisconsin, produced the scholastic record of Subject and a review of same by Writer reflected he was admitted to the University September 29, 1930 enrolling in the Experimental College. He graduated June 18, 1934 receiving both his BA and MA Degrees. It was noted he graduated with high honors and had exceptionally fine grades. His date of birth was given as February 25, 1911 at Brooklyn, New York. There was a notation that Subject had been awarded the Gold Jubilee Medal for the best thesis written in Social Sciences. The thesis was written under the supervision and guidance of Professor C. P. NETTLES, Professor in the History Department.

Miss ELIZABETH MADDEN, Dean of Men's Office, University of Wisconsin, checked the records in her office and advised Subject became a member of the Phi Beta Kappa, honorary fraternity, during his Junior year. He received both his BA and MA Degrees after completing four years of College work by special provision because of his outstanding scholastic record during the four years at the University. The files in the Dean of Men's Office also reflected Subject received the Jubilee Gold Medal award during his Senior year. While at the University, Subject was said to have resided at 445 W. Gilman. There was no record in the Dean of Men's Office indicating Subject was a member of any organizations, groups or societies other than the Phi Beta Kappa fraternity. Miss MADDEN explained that Subject's record with the Dean of Men's Office was entirely clear. There had been no derogatory information reported at any time.

Mr. C. P. NETTLES, Professor, University of Wisconsin, History Department, advised he was well acquainted with Subject having taught him in three courses while Subject attended the University and also served as Subject's supervisor and counsellor.

for the senior these submitted by Subject. Professor NETTLES spoke highly of Subject, describing him as a highly educated student, appreciative of the higher arts, possessed of an active alert mind and of strong character. Professor NETTLES stated that Subject attended one or two lecture courses given by him and was in one class wherein the entire course consisted of class discussions on varying subjects of current public interests. Because of his association with Subject in the class room, away from the University and in connection with Subject's preparation of his senior thesis, Professor NETTLES opined he was in perhaps the most advantageous point to pass on Subject's activities while at the University. It was Professor NETTLES' belief that Subject was an entirely patriotic, loyal American favoring the Democratic form of Government and opposing the foreign governments of Communism and Fascism.

Professor NETTLES recalled there was a young Communist in one of the classes taught by him and attended by Subject and in discussions held in the class, the Communistically inclined student often expressed his views. On one or two occasions, recalled by Professor NETTLES, Subject took opposition to the views expressed by the young Communist and in his arguments, decidedly denounced the Communistic form of Government. Professor NETTLES also recalled one incident wherein the talk was discussing the merits of individualism versus collectivism. During this discussion, Subject took the stand that individualism was essential if a nation was to survive and progress. In all of Professor NETTLES' associations with Subject he found him to be a well balanced, clear thinking, well educated man who dealt with facts rather than accepting idealistic theories advanced by some educators. At no time to Professor NETTLES did Subject express any radical views, any left-wingish ideas or Communistic tendencies. Professor NETTLES volunteered that he was especially interested in obtaining the viewpoints and aims of students in his classes and that he paid particular attention to anyone who at any time expressed Communistic views, because, Professor NETTLES explained, he felt that it was his public duty to ascertain if any of the students were Communistic in their beliefs and if so, see that they were not placed in public positions of faith and responsibilities. Professor NETTLES stated that he would be willing to accept personal responsibility in stating Subject, while at the University of Wisconsin,

at no time exemplified Communistic tendencies.

In enlarging on Subject's scholastic accomplishments while at the University, Professor NETTLES pointed out Subject wrote his senior thesis on the subject "Married Women's Rights in Wisconsin during the 19th Century and Homestead Exemption Laws in Wisconsin during the 19th Century". He explained Subject while at the University was a history major, yet expressed a great deal of interest in law and legal history. This interest was said to explain why Subject adopted the subject of his thesis which dealt with legal history. Professor NETTLES stated Subject's thesis had been judged the best thesis submitted on Social Sciences at the University for the 1934 year and in his opinion, was an outstanding document. Professor NETTLES explained his thesis was a historical and legal approach to the legal question involved and dealt entirely with facts obtained through legal research. After reading every word of the thesis, Professor NETTLES said he could personally vouch for the fact there was no radical or Communistic theories expressed in the thesis. Professor NETTLES also pointed out Subject obtained both his BA and MA Degrees while attending the University only four years. This accomplishment was said to have been afforded only a very select few students who, because of outstanding scholastic work during their four years at the University, were permitted to take a special exam and if the thesis submitted for the BA Degree was outstanding, the University then granted a combination BA and MA Degree at the conclusion of the four years study.

Professor NETTLES advised that Dean SELLERY and Professor PAUL KNAFLUND, who had been Chairman of the History Department in 1934, were closely associated with Subject while at the University and both had, on numerous occasions, spoke very highly of him. Professor SELLERY was said to be at the University during the summer school but Professor KNAFLUND was attending Columbia University.

Professor NETTLES, in reviewing Subject's scholastic record in the History Department, found a letter written by Professor KNAFLUND dated June 21, 1934 to the Civic Education Service, Washington, D. C., which was a letter of recommendation for Subject who evidently was attempting to obtain employment at the Civic Education Service. In reviewing the above-mentioned letter, the following comments made by Professor KNAFLUND were

noted, "Mr. FRANK J. DONNER received his Master of Arts Degree this June at the University of Wisconsin. Mr. DONNER impressed all of his teachers with his unusual brilliance of mind. He writes extremely well, is keen, an alert scholar and both Dean SELLERY of the College of Letters and Sciences and Professor JOHN D. HICKS of the Department of History, with whom Mr. DONNER has done a great deal of work, consider him the outstanding young man in the Department. His master thesis dealt with the problems of the legal status of women in Wisconsin. A Reading Committee of three men from the Department of Economics and History and the Law School were unanimous in considering the thesis so excellent that it ranked in quality with many doctoral dissertations". Professor NETTLES indicated that the above-mentioned comment in general reflected Professor KNAFLUND's opinion of Subject.

Miss E. LEUTE, Secretary, History Department, University of Wisconsin, advised she recalled Subject well as he was one of the outstanding students in the History Department while at the University of Wisconsin. From her numerous personal conversations with him and based on her knowledge of his activities at the University of Wisconsin, she was of the opinion he was possessed of no un-American or Communistic sympathies.

Professor G. C. SELLERY, Dean of the College of Letters and Sciences, University of Wisconsin, advised he had enjoyed Subject's presence in three of his classes while Subject was attending the University of Wisconsin. The Dean opined that in the past 40 years while affiliated with the University of Wisconsin, he could recall no more brilliant student than Subject. He described him as a young man with an alarmingly brilliant mind full of ideas, aggressive and possessed of a fine sense of decency and fairness. The Dean explained that he had often engaged in personal conversation with Subject simply because he had found him to be possessed of an exceptionally keen mind and while discussing various subjects, found the opinion Subject was stable, well read, logical and possessed of no un-American sympathies. At no time did Subject express un-American, left-wingish or Communistic tendencies, Dean SELLERY asserted. The Dean pointed out Subject was quite appreciative of the many privileges afforded an individual under the Democratic form of Government which permitted an individual

101-3

to further his education, progress according to his abilities and permitted individuals to show initiative and ambition. Dean SELLERY asserted he had become personally fond of Subject and felt certain Subject at no time while attending the University was connected, affiliated or associated with any societies, groups or organizations of a questionable character. Instead Subject was said to have remained aloof from the ordinary students, reading widely and engaging in enlightening conversations with members of the faculty.

Mr. J. E. JANICK, owner Victoria Apartments, 445 W. Gilman, said he recalled Subject residing in his apartment house back in 1932, 1933 and 1934 but he had no record which would reflect the exact dates during which Subject resided at the Victoria Apartments. Mr. JANICK explained he became acquainted with Subject only in a casual way but had found him to be a likeable, friendly student. Mr. JANICK said Subject resided in one of the furnished apartments with one or two other students at the University and at all times conducted himself in an entirely satisfactory manner. It was noted the Victoria Apartments were small furnished apartments located in the acceptable student residential district at the University of Wisconsin.

Mr. BURLEIGH ALLEN, Criminal Identification Division, Madison Police Department, was unable to find any criminal record on Subject in his files.

The Criminal Docket for the Superior Court for Dane County was checked by Writer with negative results.

Miss ESTELLE LENEZ, Clerk, Madison Rating Bureau, advised there was no credit record available in the files in her office.

There being no further investigation to be conducted by the Milwaukee Office, this case is being referred upon completion to the office of origin.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

RECORDED

INDEXED
100-33477-4

July 31, 1941

~~PERSONAL AND CONFIDENTIAL~~

*Declassified by
2333 Gog. 6g
8/30/77*

MEMORANDUM FOR MR. MATTHEW F. McGUIRE
THE ASSISTANT TO THE ATTORNEY GENERAL

Reference is made to your memorandum dated April 26, 1941 requesting that this Bureau conduct appropriate investigations relative to twelve employees of the National Labor Relations Board, this request having been made by Chairman Willis of the Board.

For your information in this regard, there is enclosed herewith one copy of the report of Special Agent C. C. Orton, dated June 23, 1941, at Washington, D. C. in the case captioned, "Frank Jarvis Donner."

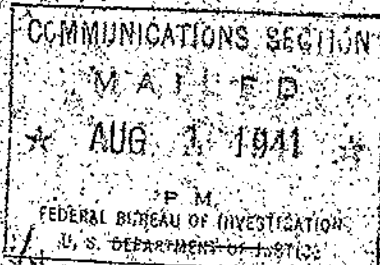
It will be noted that investigation in this matter is continuing and upon receipt of further reports, same will be promptly transmitted to you.

Very truly yours,

John Edgar Hoover
Director

Enclosure

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Tracy _____
Miss Gandy _____



APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) ON DECLASSIFICATION
DATE 7-26-77 BY GAO/REC

mes for case
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9

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

WASHINGTON FIELD

FILE NO.

100-11342 JRB

REPORT MADE AT NEW YORK CITY	DATE WHEN MADE 8/13/41	PERIOD FOR WHICH MADE July 7, 12, 17, 26 August 8, 1941	REPORT MADE BY L. O. PRIOR
TITLE FRANK V. DONNER			CHARACTER OF CASE HATCH ACT INTERNAL SECURITY R

SYNOPSIS OF FACTS:

Informants advise that FRANK V. DONNER when living in New York City was constantly arguing vigorously in defense of Communism and in 1939 made a trip to Russia to perform legal research for Columbia University. Subject's engagement to a New York City girl broken because he endeavored to convert her to Communism. One informant stated that she knows from her association with DONNER that he is a radical and a strong supporter of Communism. No definite information developed that subject is a member of the Communist Party or a Communist Front organization. Was enrolled with the American Labor Party in the 1938 elections and one informant advises subject believed to belong to the left wing of the A.L.P.

-P-

REFERENCE:

Bureau letter to Washington Field dated May 14, 1941.

DETAILS:

AT NEW YORK CITY:

Informant #1 upon being contacted advised that [redacted] who will be hereinafter referred to as Informant #2.

[redacted] and would not return until the middle of July. In his [redacted] Informant #1 stated that he would be glad to furnish the information in his possession concerning FRANK V. DONNER.

Number #1 advised that he and his wife met DONNER about three years ago through some close relatives of the informant and at that time one of the informant's ge

APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 100-25688-6	INDEXED <i>[initials]</i>
COPIES OF THIS REPORT 3 Bureau 2 Washington Field 2 New York City	AUG 18 1941 <i>[initials]</i>	RECORDED

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100-11342

female relations was engaged to marry DONNER. DONNER was then attending Columbia University and also employed by the university to perform legal research. In connection with the research work, the subject went to Russia in 1939 where he remained for several months. DONNER also tried and passed the New York State bar examination in the fall of 1939.

Prior to DONNER'S trip to Russia and from the beginning of the informant's acquaintance with the subject he was constantly arguing and defending the U.S.S.R. and made every effort to listen to all of the speeches of EARL BROWDER and other communist functionaries. When DONNER returned from Russia he was extremely enthusiastic about Communism and pointed to the accomplishments of the U.S.S.R. as evidence that the communistic system was the best.

Informant #1 said that he never had any close personal contact with DONNER and that the only occasions that he would see the subject occurred when the informant would be visiting his relations and DONNER would usually be there, or come in to see the girl to whom he was engaged. Number #1 explained that all of his information was picked up on these occasions during conversations with DONNER or by overhearing DONNER arguing with some of the other people calling at the apartment of the informant's relations. In this connection the informant advised that DONNER frequently became involved in heated arguments in defense of Communism, however he was unable to recall any of the specific statement concerning Communism which DONNER made.

As a result of DONNER'S association with the informant's female relative, the subject endeavored to convert the girl to Communism. This was disapproved of by the girl's family and the engagement was broken, however, the family and the girl still remain friendly with DONNER and there is no bitter feeling. Subsequently, it is Number 1's understanding that DONNER has married another girl since taking up his residence in Washington, D.C.

100-11342

Informant #1 was unable to furnish any information that DONNER was a member of the Communist Party or a front organization and he could not recall hearing subject admit that he was a Communist.

Informant #1 suggested that additional information might be secured from Informant #3 and [redacted] #4 [redacted]. He also suggested that Informant #5 might furnish valuable information because #5 [redacted] in New York City for several years.

Informant #2 furnished substantially the same information previously furnished by Informant #1. She further informed that DONNER was married and divorced prior to [redacted]. She said that she had no information definitely proving that the subject was a member of the Communist Party or a front organization and stated that she and everyone else who listened to DONNER arguing in Informant #3's apartment in defense of Communism assumed that he was a member of the Party program. She said her belief that he was a Communist was further strengthened by the subject's visit to Russia in 1939.

Informant #3 upon interview, advised that she has known FRANK DONNER for about four years, that she met him through [redacted] (Informant #4). She stated that [redacted] first met DONNER at the home of a [redacted] who was then living in New York City, but is now residing at Havana, Cuba. Informant #3 said that [redacted]

[redacted] in the latter part of 1939 when DONNER received his appointment to the National Labor Relations Board, [redacted] refused to live in Washington, D.C. She said that DONNER later married a Washington, D.C. girl.

Informant #3 said that she knows FRANK DONNER to be a radical and a strong supporter of Communism however, she stated that she could not truthfully and definitely say that he is a member of the Communist Party or any front organization. The informant said that her statement that DONNER is a radical is based entirely on the statements in defense of Communism which she has heard him make during arguments in which DONNER has participated at the informant's apartment. She could not recall any of the specific statements concerning Communism

100-11342

made by DONNER. However, she was positive in her declaration that he vigorously defended the Party program. In this connection, Informant #3 said that [redacted]

[redacted] of this group. She recalled that in 1938 DONNER despite his defense of Communism, enrolled with the A.L.P. and not the C.P. and her information concerning this enrollment was secured from DONNER himself. It was the informant's belief that because of DONNER'S Communistic sympathy, he would probably be classified with the left wing group of the A.L.P. however, she could furnish no definite information to support this. She said that DONNER firmly believes the Communistic principles are the best for the people and the world and consistently defends the party program.

According to #3, DONNER is a very well-educated, honest young man and despite his radical and communistic tendencies, she does not believe that he would engage in subversive activity or that he would ever be a menace to the United States. She said that he received his law education at Columbia University, School of Law, about 1937 and subsequent to his graduation was employed until the latter part of 1939, by the University Legal Research Department. She recalled that sometime in 1939 he went to Europe on business, however, the informant strongly maintained that she did not know where he went in Europe or what the nature of the business was. She said he never mentioned his trip after his return.

According to Informant #3 when she first met DONNER he was residing on West 70th Street near Central Park West. Subsequently he moved to 122 West 13th Street, where he lived up until his departure for Washington. At the latter address she said [redacted] (previously mentioned by Informant #1) and she suggested that he might furnish additional information. She was unable to recall the names of any other friends or associates of DONNER who could furnish additional information about DONNER'S activity.

Concerning DONNER'S family the informant advised that he originally lived in Newark and she believes his mother is still residing there. She could furnish no other information about DONNER'S background.

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With regard to Informant #3 [redacted] informant #4, #3 advised that she was on a vacation trip and would not return to New York City until the first week in August. She further stated that [redacted]

[redacted] and consequently Informant #3 believed these elements should be considered when [redacted] is subsequently interviewed.

It will be noted here that informant #3 was quite reluctant to furnish any information concerning DONNER, and only after a lengthy interview was the writer able to secure the above facts.

Effort was made to contact informant #5, however, it was learned that he is taking an extensive vacation trip and will return to New York City about August 11, 1941.

Likewise it was learned that Informant #6 was on a vacation trip and will not be available for interview until after August 11, 1941.

The following is a composite description of FRANK V. DONNER as furnished by the informants.

Name	FRANK V. DONNER
Age	28 - 30
Height	5' 8" - 5' 10"
Weight	165
Build	Medium
Hair	Brown
Complexion	Olive
Occupation	Lawyer
Marital Status	Married twice, divorced once.

PENDING

100-11342

UNDEVELOPED LEADS:THE NEW YORK FIELD DIVISION:

At New York City, will interview informant #4 for whatever information she can furnish concerning the Communist activity and membership of FRANK V. DONNER and also concerning the trip which he took to Russia in 1939. It will be noted that DONNER [redacted] and she should be able to furnish considerable information.

Will interview Informant #5, [redacted] DONNER for several years in New York City and should be able to furnish considerable information concerning subjects Communist connections and his trip to Russia.

Will interview Informant #6 concerning DONNER'S connection with the University and particularly the trip that DONNER made to Russia to perform legal research for Columbia.

- PENDING -

100-11342

CONFIDENTIAL INFORMANTS

Informant #1. [REDACTED], I.I.

Informant #2. [REDACTED] I.I.

Informant #3. [REDACTED] South
New York City.

Informant #4. [REDACTED] South
New York City.

Informant #5. [REDACTED]
New York City

Informant #6. MR. EDMUND FOX, Assistant Registrar, Columbia University,
116 St. & Broadway, New York City.

J
X
MATTHEW F. MCGUIRE
ASSISTANT TO THE ATTORNEY GENERAL

Department of Justice
Washington

August 15, 1941

[Handwritten signature]

Mr. Tolson	✓
Mr. E. A. Tamm	✓
Mr. Clegg	
Mr. Foxworth	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Carson	
Mr. Drayton	
Mr. Quinn Tamm	
Mr. Hendon	
Mr. Tracy	
Miss Gandy	

MEMORANDUM FOR HONORABLE J. EDGAR HOOVER
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

For your information and files, I take pleasure in enclosing herewith a copy of a letter dated August 9, received from the Chairman of the National Labor Relations Board, expressing the appreciation of the Board for investigations of its employees made at its request.

Matthew F. McGuire
Matthew F. McGuire
The Assistant to the Attorney General.

1 ENCL. FM
J

CH-24

100-25688-7
FEDERAL BUREAU OF INVESTIGATION
4 AUG 25 1941
U. S. DEPARTMENT OF JUSTICE
TOLSON Tamm NICHOLS

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NATIONAL LABOR RELATIONS BOARD

Washington, D. C.

August 9, 1941.

Mr. Matthew F. McGuire
The Assistant to the Attorney General
Department of Justice
Washington, D. C.

My dear Mr. McGuire:

Thank you very much for reports just received on H. W. Lehmann, Grant Cannon and Frank Donner, also for reports on Woodrow Sandler and Will Maslow, which came to my office while I was on a short vacation out in West Virginia.

May I again express my appreciation of your cooperation with the National Labor Relations Board?

Sincerely yours,

/s/ H. A. Millis.

Emcl

100-25688-7

RECORDED

September 13, 1941

~~PERSONAL AND CONFIDENTIAL~~

MEMORANDUM FOR MR. MATTHEW F. McGUIRE
THE ASSISTANT TO THE ATTORNEY GENERAL

*Declassified
by 2333
bafg 8/31/77*

With further reference to your memorandum dated April 26, 1941, wherein you enclosed a letter from Chairman H. A. Mills of the National Labor Relations Board requesting that the Bureau conduct investigations concerning twelve employees of the Board, there is enclosed herewith one copy of the report of Special Agent L. G. Prior dated August 13, 1941, at New York City in the case captioned: "Frank V. Donner."

As you will note, investigation in this case is continuing and upon receipt of further reports, same will be promptly transmitted to you.

Very truly yours,

John Edgar Hoover
Director

Enclosure

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFICATION
DATE 9-26-77 AAS/REC

- Mr. Tolson _____
- Mr. E. A. Tamm _____
- Mr. Clegg _____
- Mr. Foxworth _____
- Mr. Ladd _____
- Mr. Glavin _____
- Mr. Nichols _____
- Mr. Rosen _____
- Mr. Carson _____
- Mr. Drayton _____
- Mr. Quinn Tamm _____
- Mr. Hendon _____
- Mr. Tracy _____
- Miss Gandy _____

COMMUNICATIONS SECTION
MAILED
SEP 13 1941
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

(Handwritten initials)

(Handwritten initials)

WHC:MEW
101-7

Federal Bureau of Investigation
United States Department of Justice

Washington, D. C.

September 2, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

RE: FRANK J. DONNER;
INTERNAL SECURITY - C.
HATCH ACT - CUSTODIAL DETENTION LIST.

Dear Sir:

In accordance with Bureau instructions, the new address of the subject upon whom a custodial detention card is on file in the Washington Field Office, is set out as being 1869 Mintwood Place, N.W.

Arrangements have been made with the National Savings and Trust Company, agents for this particular building, to notify this office in the event the subject moves again.

Very truly yours,

S. K. McKee
S. K. McKee
Special Agent in Charge

CH-22

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FBI

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100-25688-8
FEDERAL BUREAU OF INVESTIGATION
SEP 6 1941
U. S. DEPARTMENT OF JUSTICE
FIVE

100-25678-9

August 23, 1941

~~PERSONAL AND CONFIDENTIAL~~

MEMORANDUM FOR MR. MATTHEW F. McGUIRE
THE ASSISTANT TO THE ATTORNEY GENERAL

With further reference to your memorandum dated April 26, 1941, wherein you enclosed a request from Chairman H. A. Mills of the National Labor Relations Board asking that this Bureau conduct an investigation concerning twelve employees of the Board, I am enclosing herewith one copy of the report of Special Agent C. B. Howard, dated July 10, 1941, at Milwaukee, Wisconsin, in the case captioned: "Frank Jarvis Donner."

Investigation in this case is continuing and upon receipt of further reports, same will be promptly transmitted to you.

Very truly yours,

John Edgar Hoover
Director

Enclosure

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Dwyer _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Tracy _____
Miss Gandy _____

CH-13
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COMMUNICATIONS SECTION	FEDERAL BUREAU OF INVESTIGATION
MAILED 3	SEP 2 1941
AUG 23 1941	U. S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION	U. S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

ESS:mm

To: COMMUNICATIONS SECTION

AUGUST 23, 1941

Transmit the following message to:

ASSISTANT DIRECTOR E. J. CONNELLEY
NEW YORK, NEW YORK

SAC
NEWARK

FRANK JARVIS DOMER INTERNAL SECURITY MATRON ACT. IMMEDIATELY
COMPLETE INVESTIGATION THIS MATTER AS SET OUT FOR YOUR OFFICE
IN THE REPORT OF SPECIAL AGENT C. G. ORTON DATED JUNE TWENTY-
THREE LAST AT WASHINGTON, D. C.

HOOVER

CC - WASHINGTON FIELD (BY MAIL)

COPIES DESTROYED 7-14-58
R-230

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Carson _____
Mr. Drayton _____
Mr. Quinn Tamm _____
Mr. Hendon _____
Mr. Tracy _____
Miss Gandy _____

RECORDED

100-25688-10

AUG 23 1941

CH-15

SENT VIA

Per

INITIALED IN
DIRECTOR'S OFFICE

RECORDED

ESS:mm

100-25688-11

September 26, 1941

100-25688-11

~~PERSONAL AND CONFIDENTIAL~~

MEMORANDUM FOR THE ASSISTANT TO THE ATTORNEY GENERAL,

MR. MATTHEW F. McGUIRE

RE: FRANK JARVIS DOWNER

*Declassified by
2333
6/31/77*

Reference is made to your memorandum of April 26, 1941, advising that an investigation should be conducted by this Bureau concerning the above-named person in connection with the Congressional instructions contained in Public Law No. 135, 77th Congress.

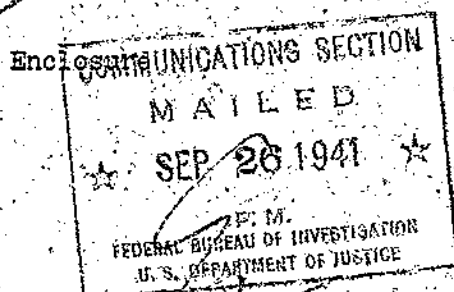
In compliance with the request contained in your memorandum an investigation was instituted. I am transmitting herewith a copy of an investigative report reflecting the results of this investigation.

Very truly yours,

J. E. Hoover

John Edgar Hoover
Director

*CH-136
212*



APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFICATION
DATE 9-26-77 64J/194

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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

WASHINGTON, D. C.

FILE NO. 101-2 EHT

REPORT MADE AT NEWARK, NEW JERSEY	DATE WHEN MADE 9-13-41	PERIOD FOR WHICH MADE 8/25/29/41	REPORT MADE BY KENNETH C. ROWE
TITLE FRANK JARVIS DOMNER, ASSISTANT ATTORNEY, CLASS P-2, LITIGATION ENFORCEMENT SECTION, LEGAL DIVISION, NATIONAL LABOR RELATIONS BOARD.			CHARACTER OF CASE HATCH ACT - INTERNAL SECURITY

SYNOPSIS OF FACTS:

FRANK JARVIS DOMNER employed as cub reporter for about six months during 1930 - 1931 by now defunct Newark Star Eagle. Recalled as quiet and with ambitions toward writing but no communistic or subversive tendencies exhibited at that time.

- R U C -

REFERENCE:

Report of Special Agent U. C. COTTON dated 6-23-41 at Washington, D. C.

DETAILS:

Through inquiry at the Newark Star Ledger, a daily paper published in Newark, New Jersey, it was learned that that organization had absorbed the old Star Eagle about two years ago and the latter is no longer in existence. MR. MOELLEBER, Assistant Editor of the Star Ledger, stated that he did not recall DOMNER and that he did not believe the records of the old Star Eagle back to 1930 - 1931 are anywhere available at this time.

This information as to the non-availability of definite records was verified through THOMAS REA who is the Personnel Director for the Star Ledger at the present time.

MR. JOHN REILLY, a police reporter for the Star Ledger who has been employed in this capacity about Newark for over the past 15 years, stated that he has no recollection of DOMNER and it is his belief that he could not have worked as a police reporter for very long as he would have

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 5 - Bureau 2 - Washington 1 - Asst. Dir. E. J. Connelley 2 - Newark 1 - [unclear] 1 - [unclear]		100-25688-11 SEP 15 1941 FIVE	RECORDED EX-10

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had considerable contact with him and would recall at least something of him.

It was ascertained that MR. JOSEPH F. REILLY, who is now employed by the Newark Housing Authority, 57 Sussex Avenue, Newark, New Jersey, was formerly the City Editor for the old Star Eagle and had held this position for a great number of years. MR. REILLY recalled DONNER and although unable to give any exact dates he estimated that it was for a period of about six months in the latter part of 1930 and the early part of 1931 that the subject worked as a cub reporter for the Star Eagle in Newark. At this time the subject was more or less a youngster just starting in and he did not work as a full-time police reporter but rather as a cub reporter on general assignment.

MR. JOSEPH F. REILLY does not recall that the subject had any communistic tendencies or any theories which exhibited a tendency toward organizations whose policy might be the overthrow of our present form of government. To the informant's recollection the subject was a rather quiet and unobtrusive sort of young man who had ambitions toward writing the "Great American Novel". It is the informant's recollection that DONNER was finally released because of the fact he lacked reportorial ability to a certain extent. The informant never heard anyone express any suspicions that DONNER might have had untoward sympathies or tendencies at the time the informant knew him during the period mentioned above.

- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN -

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

WASHINGTON, D. C.

NY FILE NO. 100-11342

WM

REPORT MADE AT NEW YORK CITY	DATE WHEN MADE 9/30/41	PERIOD FOR WHICH MADE 9/12, 20, 22, 23/41	REPORT MADE BY L. O. PRIOR
TITLE FRANK JARVIS DONNER, alias Frank V. Donner			CHARACTER OF CASE HATCH ACT; INTERNAL SECURITY - C

SYNOPSIS OF FACTS:

[redacted] in New York City and also a former close associate of the subject deny that DONNER ever discussed communism or was sympathetic to Party activities. Associates at Columbia University advise that DONNER is an extreme liberal and evidenced this feeling to them in his conversation. One informant recalls subject received a passport in 1938 for a trip abroad, but no information developed to support this. Not listed in 1936 list of enrolled Communist Party voters, and no record in the Communist index of the New York City Police Department.

R. U. C.

REFERENCE: Report of Special Agent L. O. Prior at New York City dated August 13, 1941.
Report of Special Agent G. C. Orton at Washington, D. C., dated June 23, 1941.
Teletype from the Bureau dated August 23, 1941.
Teletype from the Washington Field Division dated September 17, 1941.

COPIES DESTROYED 7-14-58
R 230

APPROVED AND FORWARDED <i>T. J. Donegan</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 100-25188-272		RECORDED
COPIES OF THIS REPORT 5 - Bureau 2 - Washington Field 2 - New York 100-Comm-27274-5		OCT 1 1941		INDEXED
6 JAN 7 1942		FIVE		

100-11342

DETAILS: AT NEW YORK CITY

Informant #4, upon interview, advised that she had known FRANK JARVIS DONNER since 1937 and that her relationship with him had been purely on a social basis up until his departure for Washington. She advised that he is a fine young man and although she had never discussed politics with him, she believed that he would be very anti-Communist. She said that she was definitely not interested in politics and consequently she never had occasion to discuss such matters with DONNER. Concerning the subject's friends and associates, Informant #4 stated that during the time he was in New York City he was employed by Columbia University; that most of his friends were connected with that university and the majority of them have since gone to Washington, D. C., to work for the government. She was unable to recall any close associate of DONNER who might furnish additional information concerning his activities. However, after lengthy consideration, she recalled that Informant #5, previously mentioned in the reference report of the writer, was one of DONNER's close friends and at one time [redacted]

[redacted] New York City. According to Informant #4, DONNER did not belong to any front organizations and never attended any Communist meetings. She vigorously denied that the subject ever argued in defense of Communism or EARL BROWDER. Concerning any European trips taken by DONNER, Informant #4 states positively that she had no knowledge that DONNER ever traveled to Europe.

It will be noted here that Informant #4 [redacted] of Informant #3, mentioned in the reference report of the writer, and that most of Informant #3's information is contrary to the statements of Informant #4. Likewise, there also is noted the fact that Informant #4, at the time of this interview, did not know that the writer had previously talked with [redacted] Informant #3. Consequently, in view of the conflicting information, the writer, without mentioning Informant #3, discreetly and strongly called Informant #4's attention to various statements made by Informant #4 which did not appear to be true. However, she steadfastly maintained that she was telling the truth; that she was [redacted] the subject; that she never heard him discuss Communism and [redacted]

Informant #5, who is a [redacted] of an old-established law firm located in lower Broadway, New York City, immediately upon interview informed the writer that any investigation of DONNER was just another example of an F. B. I. "witch hunt". It will be noted that this statement was made by Informant #5 without any knowledge of the nature of the investigation being conducted of DONNER. He stated that [redacted]

[redacted] at which time DONNER took up his position in Washington.

During this association with DONNER, Informant stated positively that the subject had devoted most of his time to his studies at Columbia University and to the research work he was performing for the head of the Legal History Department of that institution. He recalled that DONNER had written an article for the National Consumers League and had collaborated with someone else in writing an article concerning law and religion for some Jewish organization in New York City. He further advised that DONNER had been closely associated with a young lady residing on Central Park West, New York City. However, Informant #5 refused to disclose this young woman's name and he denied that DONNER had ever been engaged to this girl. This informant stated that any investigation of the subject was ridiculous and that in his opinion DONNER was very well qualified as a lawyer to carry out the duties required of him in the National Labor Relations Board. He stated positively that DONNER was not a radical, was not connected with any Communist Front organization and would not at any time be a menace to the United States. With regard to any European travel, Informant #5 said that during the period of his association with DONNER, he knew positively that the subject had not gone to Russia and at no time did he ever recall DONNER mentioning any trip to Russia.

Assistant Registrar EDMUND FOX of Columbia University produced his record on FRANK JARVIS DONNER. It was noted from these records that DONNER was admitted to Columbia University in September, 1934, and that prior to his admission he had secured an A. B. and an A. M. from the University of Wisconsin. Subject's birth date was given as February 25, 1911, and the place was given as Brooklyn, New York. His permanent home address was listed as 143 West 87th Street, New York City. His scholastic record at Columbia was very low and it was noted that he still owes the university for his fees in 1937.

Inquiry at the Alumnae office, Columbia University, for additional information concerning FRANK DONNER was made with negative results. b7D

Informant #6 stated that DONNER [redacted] performing legal research for several years, during which time it was the informant's observation that DONNER was extremely liberal. According to the informant, he had to watch DONNER's work and research very closely, so that it would not be colored to too great an extent by DONNER's personal leftist views. This informant also recalled that in his conversation with DONNER, he was an extreme liberal and constantly defended the thoughts and activities of left groups in the United States. He was unable to furnish any information concerning the subject's associates or activities with organizations while at Columbia University, advising that his contact with DONNER was [redacted] relationship and not one of personal association.

Informant #7, who is [redacted] of Informant #6, furnished substantially the same information concerning DONNER's liberal thoughts and views as furnished by Informant #6. Informant #7 also recalled that in the summer of 1938, while Informant #6 was traveling in Europe, DONNER received a month's vacation and prior to the beginning of the vacation, DONNER received a letter from some bank in New York City, which advised DONNER that his passport was in order and that arrangements had been made for his trip. Informant #7 was unable to recall the name of the bank sending this letter to DONNER or any other definite details. This informant said that he was convinced that DONNER had taken a trip to Europe at this time and he stated that at no subsequent time did DONNER mention having traveled abroad. This was considered by the informant as being very unusual, inasmuch as the average individual will freely discuss his vacation, particularly if he has traveled in Europe. Informant also pointed out that in this connection, it was very strange that DONNER had not mentioned his trip to [redacted] Informant #6, who was traveling in Europe at the same time. According to Informant #7, DONNER was [redacted] associated with Informant #4 and was believed to have [redacted] for a period of time in New York City. [redacted]

[redacted] Informant #4 [redacted] and to Informant #7 was additional evidence of DONNER's liberal attitude. He also recalled that when DONNER first attended Columbia University, he was married, having married a girl while attending the University of Wisconsin. According to the informant, DONNER's wife was very wealthy and during the subject's first year at Columbia, she became infatuated with some other man, resulting in her securing a divorce. Her present location is not known to the informant.

CLIFFORD TUCKER, 120 McDougal Street, New York City, superintendent of the building at 122 West Thirteenth Street, informed that DONNER [redacted] had rented from him for about a year and a half in 1939 and 1940. TUCKER said that he had no close contact with either of these men and consequently was unable to furnish any information concerning the activities in their apartment or their associates. Upon checking his records, he further advised that there are no tenants now residing in 122 West Thirteenth Street who lived there at the time DONNER [redacted] resided there.

Special Agent J. A. Garland checked FRANK JARVIS DONNER's name in the Communist indices of the Criminal Alien Squad of the New York City Police Department with negative results.

DONNER's name was checked in the 1936 list of individuals who enrolled with the Communist Party in the elections of that year and the 1939 indices of enrolled Communists who signed a petition to place the Communist nominees on the ballot, with negative results.

100-11342

Mr. R. D. CLARK, Special Agent in Charge of the Department of Investigation, State Department, Room 5012, Post Office Building, New York City, checked his passport files for information concerning FRANK DONNER, with negative results.

100-11342

UNDEVELOPED LEAD

THE WASHINGTON FIELD DIVISION

At the Passport Division of the Department of State,
will ascertain whether there is any record of FRANK DONNER securing a
passport for a trip to Europe in the summer of 1938 and if so, will
secure any information pertinent to this investigation.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

100-11342

INFORMANTS

#4

[REDACTED]
South, New York City.

#5

[REDACTED] Residence
[REDACTED] New York City.

b7D

#6

[REDACTED] Columbia
University, New York City.

#7

[REDACTED] Columbia University,
New York City.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

GMW:olp

To: COMMUNICATIONS SECTION.

OCTOBER 7, 1941

Transmit the following message to:

ASSISTANT DIRECTOR P. E. FOXWORTH, NEW YORK

FRANK JARVIS DOWNER INTERNAL SECURITY HATCH ACT. ADVISE THE BUREAU
IMMEDIATELY AS TO WHEN A REPORT MAY BE EXPECTED IN THIS CASE.

HOOVER

CC: Washington Field Office

(A + H PLS
Q/K 7 B1 2 YC DB)

RECORDED

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R-270

100-25688-13
FEDERAL BUREAU OF INVESTIGATION
7 OCT 9 1941
U. S. DEPARTMENT OF JUSTICE

Tolson _____
E. A. Tamm _____
Clegg _____
Glavin _____
Ladd _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Mohr _____
Tele. Rm. _____
Holloman _____

SENT VIA

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Per

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **WASHINGTON, D. C.**

FILE NO. **101-7**

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 10-3-41	PERIOD FOR WHICH MADE 8-5, 8, 12, 19, 25, 26, 27-41	REPORT MADE BY M. C. CLEMENTS	MCC:MAS
TITLE FRANK JARVIS DONNER, ASSISTANT ATTORNEY, CLASS P-2, LITIGATION ENFORCEMENT SECTION, LEGAL DIVISION, NATIONAL LABOR RELATIONS BOARD			CHARACTER OF CASE HATCH ACT INTERNAL SECURITY	

SYNOPSIS OF FACTS:

Confidential Informant [] advises subject received passport to travel in European countries, including U. S. S. R., in 1938. Informant T-1 indicates subject has been recipient of correspondence from the National Federation for Constitutional Liberties. No Communistic tendencies noted from examination of publication "Status and Rights of Injured Relief Workers" at Congressional Library. Repeated efforts made to receive information from Informant T-2, with negative results.

- P -

Report of Special Agent C. C. ORTON, dated June 23, 1941, at Washington, D. C.

DETAILS:

AT WASHINGTON, D. C.

This is the joint report of Special Agents M. C. CLEMENTS and E. M. WETTON.

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APPROVED AND FORWARDED: S. M. McRee	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 100-25688-14		RECORDED
COPIES OF THIS REPORT 5-Bureau 2-New York (Asst. Dir. E. J. CONNELLEY) 2-Newark 2-Washington Field		OCT 13 1941		

The following investigation was conducted by Special Agent EDWARD M. WETTON on August 25, 1941.

Confidential Informant [] known to the Bureau, advised Agent that the State Department records reflect that FRANK JARVIS DONNER submitted affidavit of birth with his application for passport dated June 29, 1938, which reflects that he was born in Brooklyn, New York, February 27, 1911, and was residing at 63 West 70th Street, New York City, New York. b7D

Passport was applied for June 29, 1938, and issued July 1, 1938. The passport application stated that DONNER'S father was SAM DONNER, born in Austria, February 28, 1884, and residing at the time of DONNER'S application at 441 Jelleffe Avenue, Newark, New Jersey.

Application for passport showed intention to leave New York City, New York, on July 5, 1938, aboard the M.S. Balry for extensive travel in France, Sweden, Denmark, Finland, and the U. S. S. R. for 2 months.

No other information was contained in the passport application except his description, which is set out below.

Height	5 feet, 11 inches
Hair	Brown
Eyes	Brown
Occupation	Lawyer
Distinguishing marks	None

No further record of this man's activity appeared in his passport file.

The following investigation was performed by Special Agent M. G. CLEMENTS.

As a result of investigation conducted through Confidential Informant T-1, it has been ascertained that the subject has received the following mail on the dates shown below.

First-class mail from the National Federation of Constitutional Liberties, 1410 H Street, N. W., Washington, D. C., on July 5, 8 and 12, 1941.

Reporting Agent has made repeated efforts to gain information concerning the subject from Confidential Informant T-2.

In view of the fact that this informant has furnished no information whatever, although in an obvious position to furnish the same, it is concluded that the informant has not been cooperative, and no further efforts are being conducted through him.

At the Library of Congress, Agent reviewed the publication, "Status and Rights of Injured Relief Workers," written by the subject in collaboration with ISADORE POLIER, published in the Columbia Law Review in April, 1936. This article consists chiefly of a resume of the laws existing at the time in the various states with regard to the legal status of relief workers on government payrolls with respect to compensation for injuries. Few opinions are expressed by the writers of the article, the gist of the same appearing to be that the number of jobs in private industry has failed to increase in proportion to the number of workers available, and the article appears to call attention to the problem presented by the increasing number of persons on relief rolls who do not have proper protection with regard to injuries.

UNDEVELOPED LEADS

THE NEW YORK FIELD DIVISION

- * AT NEW YORK CITY, will interview informant #4, mentioned in the report of Special Agent L. O. PRIOR at New York City, dated August 13, 1941, for whatever information she can furnish concerning the Communist activity and membership of FRANK V. DONNER and also concerning the trip which he took to Russia in 1939. It will be noted that DONNER [redacted] Informant #4, and she should be able to furnish considerable information.
- * Will interview informant #5, mentioned in the report of Special Agent L. O. PRIOR at New York City, dated August 13, 1941, [redacted] DONNER for several years in New York City and should be able to furnish considerable information concerning subject's Communist connections and his trip to Russia.
- * Will interview informant #6, mentioned in the report of Special Agent L. O. PRIOR at New York City, dated August 13, 1941, concerning DONNER'S connection with the University and particularly the trip that DONNER made to Russia to perform legal research for Columbia.

THE NEWARK FIELD DIVISION

- * AT NEWARK, NEW JERSEY, will conduct a discreet investigation to determine subject's Communist tendencies while reporter on the "Star-Eagle."

PENDING

The confidential informants listed in this report are as follows:

- T-1 The results of the mail cover placed on subject's mail June 24, 1941, at 1869 Mintwood Place, N. W., Washington, D. C.
- T-2 FRANK BAILEY, colored caretaker, 1869 Mintwood Place, N. W., Washington, D. C.

Repeated efforts have been made to secure the cooperation of this informant in order that an examination of trash from subject's apartment could be made. The informant was uncooperative inasmuch as he furnished no trash whatsoever during the period in which he was contacted.

Federal Bureau of Investigation
United States Department of Justice
NEW YORK, NEW YORK

WJH:JB
100-11,342

October 22nd, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

RE: FRANK JARVIS DONNER
INTERNAL SECURITY;
HATCH ACT

Dear Sir:

Reference is made to your teletype of October 7th, 1941, requesting that the Bureau be advised as to when a report may be expected in this case.

Please be advised that the records of this Field Division indicate that as of September 27th, 1941, a report was forwarded to the Bureau, which referred this case upon completion to the office of origin.

Very truly yours,

P. E. Foxworth
P. E. FOXWORTH,
Assistant Director

SPECIAL DELIVERY

RECORDED

100-25688-15	
FEDERAL BUREAU OF INVESTIGATION	STIGATION
2 OCT 24 1941	
U.S. DEPARTMENT OF JUSTICE	
<i>[Signature]</i>	<i>[Signature]</i>

225
6 DEC 30 1941

EX-14

Federal Bureau of Investigation
United States Department of Justice

WHC:AC
101-7

Washington, D. C.

October 28, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

ATTENTION: MR. D. M. IADD

RE: FRANK JARVIS DONNER
With Alias
INTERNAL SECURITY
HATCH ACT

Dear Sir:

In accordance with Bureau instructions, the new address of the subject, upon whom a custodial detention card is on file in the Washington Field Office, is set out as being 3810 W Street S. E., Apartment 201.

Arrangements have been made with the management of the Fairfax Village, which has control of this particular apartment, to notify this office in the event of a future change of address by the subject.

Very truly yours,

SK McKee
S. K. McKEE
Special Agent in Charge

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7-10-58
R-230

RECORDED

EX-8

113
2 FEB 18 1942

COPY IN FILE

100-25688-16	
FEDERAL BUREAU OF INVESTIGATION	
7	OCT 30 1941
U.S. DEPARTMENT OF JUSTICE	
<i>[Handwritten signatures and initials]</i>	

Federal Bureau of Investigation
United States Department of Justice
1836 Raymond-Commerce Building
Newark, N.J.

KCH:mcs

November 4, 1941

Director
Federal Bureau of Investigation
Washington, D. C.

Re: FRANK JARVIS DONNER, ASSISTANT ATTORNEY,
CLASS P-2, LITIGATION ENFORCEMENT SECTION,
LEGAL DIVISION, NATIONAL LABOR RELATIONS
BOARD
HATCH ACT
INTERNAL SECURITY

Dear Sir:

Reference is made to the report of Special Agent M. C. CLEMENTS
in the instance made, dated 10-3-41 at Washington, D. C.

In connection with the undeveloped lead set out at the end of
above report for the Newark Field Division, attention is directed to
the report of Special Agent KENNETH C. HOWE in this matter dated
9-13-41 at Newark, New Jersey. Since this report covers all information
available in this vicinity the lead set out in reference report is being
disregarded.

Very truly yours,

E. E. Conroy
E. E. CONROY
Special Agent in Charge

cc Washington Field Division

RECORDED
EX-16

100-25688-17

FEDERAL BUREAU OF INVESTIGATION
2 NOV 6 1941
U.S. DEPARTMENT OF JUSTICE

[Handwritten signatures and initials over the stamp]

3 DEC 30 1941

*Let's go
11-28-41
[initials]*

225

COMMUNIST..

DONNER, FRANK J.
~~2620 14th St., N.W.~~
~~Washington, D.C. (11/4/41)~~

1869 Mintwood Place, N.W.
Washington, D.C. (Res.) (10/21/41) ✓

RECORDED

100-256787
FEDERAL BUREAU OF INVESTIGATION
8 NOV 12 1941
U. S. DEPARTMENT OF JUSTICE
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FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

WASHINGTON, D. C.

FILE NO. 101-7

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 11-14-41	PERIOD FOR WHICH MADE 9/14/41; 10/1, 3, 7, 22, 23/41; 11/13/41	REPORT MADE BY M. C. CLEMENTS MCC:MEW
TITLE FRANK JARVIS DONNER, Assistant Attorney, Class P-2, Litigation Enforcement Section, Legal Division, National Labor Relations Board			CHARACTER OF CASE HATCH ACT INTERNAL SECURITY

SYNOPSIS OF FACTS:

FRANK JARVIS DONNER is employed as an Assistant Attorney in the Litigation Enforcement Section, Legal Division, National Labor Relations Board. He was born February 25, 1911 in Brooklyn, New York and is an American citizen. He was appointed to his present position March 23, 1940, Class P-2, at \$2600 per annum. Complaint has been received that DONNER is in sympathy with the Communist movement in this country. His name is listed in the active indices of the Washington Committee for Democratic Action. Investigation reflects DONNER has received firstclass mail from the National Federation of Constitutional Liberties. He attended a meeting of the Washington Committee for Democratic Action May 15, 1940 and signed the register of the meeting as a member. DONNER was introduced at a meeting of the Citizens Committee Against Police Brutality on September 14, 1941, as legal adviser to the group. DONNER, with others, made a pledge of \$10.00 in the name of the Washington Committee for Democratic Action. He served on the "Steering" Committee for this meeting. Some informants state DONNER is strictly sympathetic to Communist movement; others state he has never indicated such beliefs. He is married to MADELINE JAFFEE DONNER, whose name appears in the active indices of the American Peace Mobilization and the Washington Committee for Democratic Action. DONNER presently resides at 1869 Mintwood Place, N. W., Washington, D. C. DONNER, in sworn statement, denies membership or sympathy with Communist Party and Young Communist League. He stated his association with Washington Committee for Democratic Action has been due to his academic interest in questions of civil rights.

- 6 -

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT 5 - Bureau 2 - Washington Field 1 - <i>[illegible]</i>		100-25688-19 NOV 21 1941 EVE
		RECORDED & INDEXED

DETAILS:

AT WASHINGTON, D. C.

I. PERSONAL HISTORY

FRANK JARVIS DONNER was born February 25, 1911 in Brooklyn, New York. He is a citizen of the United States. His father, SAM DONNER, was born in Austria February 28, 1884. DONNER received his high school education in Newark, New Jersey. He attended the University of Wisconsin at Madison, Wisconsin, and graduated with high honors June 18, 1934, receiving the Bachelor of Arts and Master of Arts degrees. While at this institution he received a medal for the best thesis in social sciences on the subject "Married Women's Rights in Wisconsin During 19th Century and Homestead Exemption Laws in Wisconsin During 19th Century." He was a member of Phi Beta Kappa, national honorary scholastic fraternity. He attended Columbia Law School from 1934 to 1937 and received an LL.B. Degree upon graduation. During 1937 he was on a scholarship to Columbia and was assistant to Professor JULIUS COBBEL in Legal History. During this time he collaborated with ISADOR POLIER in writing "Status and Rights of Injured Relief Workers", published in the Columbia Law Review in April, 1936. He subsequently wrote an article entitled "Religious Liberty in the Law" which is reported to be a 180 page article written for the Conference On Jewish Relations and subsequently placed in book form. He was alleged to have written an article on the National Labor Relations Board for the Consumers League, New York City.

During the years 1930 and 1931 DONNER was a police reporter for the Newark, New Jersey Star-Eagle. Subsequent to his graduation from Columbia Law School, DONNER made application for a passport to travel in France, Sweden, Denmark, Finland and the USSR for two months. He was at that time residing at 63 W. 70th Street, New York City, New York. FRANK JARVIS DONNER was appointed to the National Labor Relations Board on March 23, 1940 as an Assistant Attorney, Grade P-2, at \$2600 per annum in the Litigation Enforcement Section, Legal Division. He claimed his legal residence to be New York, New York. DONNER is employed in the above capacity at present, which employment is not supervisory. There is no indication that he has attempted to convert fellow workers to subversive doctrines.

II. BASIS FOR INVESTIGATION

In a letter dated January 9, 1941, a source of information hereinafter designated as T-1, stated that FRANK JARVIS DONNER,

who had recently received employment in the Legal Division of the National Labor Relations Board in Washington, D. C., is definitely in sympathy with the Communist movement and everything that is part of it. The informant stated that DONNER has expressed his views on the subject and had given the informant and friends of the informant reason to know that he is completely in accord with the work being carried on by the Communists in this country. The informant further advised that DONNER had visited Russia during recent years and had returned to the United States very much pleased and enthused with the work being done in Russia.

III. RESULTS OF INVESTIGATION

Informant T-1, previously referred to herein, on subsequent personal interview, advised that while the informant was in no position to give information proving that the subject is a member of the Communist Party, that persons who listen to DONNER's arguments in defense of Communism, assume that he is a member of the party program. The informant stated that a belief that DONNER was a Communist was further strengthened by his visit to Russia and his enthusiasm on returning to this country.

A source of information hereinafter designated as T-3, advised that prior to DONNER's trip to Russia and from the beginning of the informant's acquaintance with him, which had existed for a period of some three years, he was constantly arguing and defending the USSR and made every effort to listen to all of the speeches of EARL BROWDER and other Communist functionaries. According to the informant, when DONNER returned from Russia he was extremely enthusiastic about Communism and pointed to the accomplishments of the USSR as evidence that the Communistic system was best. The informant could not recall having heard DONNER state that he was a member of the Communist Party. T-3 stated that DONNER attempted to convert Informant T-4 to Communism.

A source of information hereinafter designated as T-4, on interview stated that an acquaintance had existed between the informant and DONNER since 1937 on a purely social basis. DONNER has never had an occasion to discuss matters of politics with the informant and denied that an attempt had been made by DONNER to convert the informant to Communism. This informant further denied that DONNER had argued in the presence of the informant in defense of Communism or EARL BROWDER.

A source of information hereinafter designated as T-5, whom it might be stated is in a position to receive the same

information as did Informant T-4, stated on interview that DONNER is known to the informant to be a radical and a strong supporter of Communism, though his affiliation with the Communist Party could not be definitely stated. The informant based the statement that DONNER is radical on statements he had made in defense of Communism during arguments in the apartment of the informant, who stated that DONNER has vigorously defended the Communist Party program. This informant admitted to membership to the Conservative Right Wing of the American Labor Party, and stated that DONNER, according to his own statement, had enrolled with the American Labor Party in 1938 in spite of his defense of Communism. Informant stated that DONNER firmly believes the Communistic principles are best for the people of this country.

A source of information hereinafter referred to as T-6, advised that DONNER in the opinion of the informant is well qualified as a lawyer to carry out the duties required of him in the National Labor Relations Board, and stated that DONNER is not a radical and is not connected with any Communist front organization. He stated that DONNER in no wise could be considered a menace to the United States. This informant, who professed to an acquaintance with the subject for a period of some two years, stated that he did not recall the matter of DONNER's visit to Russia inasmuch as the visit had never been mentioned to him.

A source of information hereinafter referred to as T-7 stated that it was the observation of the informant that DONNER was extremely liberal and that it was necessary during the period that DONNER did research work at Columbia University to watch his writings so that they would not be colored to a great extent by DONNER's personal leftist views. Informant stated that in conversation, DONNER was an extreme liberal and constantly defended the thoughts and activities of left wing groups in the United States.

A source of information hereinafter referred to as T-8 stated that while it was known to the informant that DONNER had taken a trip to Europe during the period of his acquaintance with him, he had never mentioned the trip, which circumstance had appeared to be peculiar. This informant stated that DONNER appeared to have unusually liberal views and thoughts and confirmed the statements previously made by Informant T-7 with regard to DONNER's writings while at Columbia Law School.

A check of the 1936 list of persons who enrolled with

the Communist Party in the elections of that year in New York City, and the 1939 indices of enrolled Communists who signed a petition to place the Communist nominees on the ballots, did not reflect the name of FRANK JARVIS DONNER.

In connection with DONNER's alleged visit to the USSR, it was ascertained from a confidential source hereinafter designated as T-12, that FRANK JARVIS DONNER was issued a Passport, July 1, 1938, for extensive travel in France, Sweden, Denmark, Finland and the USSR for a period of two months.

At the Library of Congress, the publication "Status and Rights of Insured Relief Workers" written by DONNER in collaboration with ISADOR POLIER, and published in the Columbia Law Review in April, 1936, was examined. This article consisted chiefly of a resume of the laws existing at the time in the various states with regard to the legal status of relief workers on government payrolls with respect to compensation for injuries. Few personal opinions are expressed by the writers of the article. Other writings of the subject were not available at the Library of Congress for perusal.

It was ascertained from a confidential source hereinafter designated as T-2, that the name of FRANK JARVIS DONNER appears in the active indices of the Washington Committee for Democratic Action. This organization is the Washington Chapter of the National Federation of Constitutional Liberties. In connection therewith, a confidential source hereinafter designated as T-13, has furnished this office with information to the effect that FRANK J. DONNER was present at a meeting of the Washington Committee for Democratic Action on May 15, 1940. On the register of persons in attendance at this meeting, a photographic copy of which is being retained in this office, the signature of F. J. DONNER appears thereon. On the register opposite signatures are two columns, one for members and the other for guests. Opposite the name of DONNER the word "yes" appears in the column for members. Also present at the meeting was MADELINE JAFFEE, whose name, according to confidential sources of this office, appears in the active indices of the Washington Committee for Democratic Action and the American Peace Mobilization. MADELINE JAFFEE was married to FRANK JARVIS DONNER November 15, 1940, the marriage being recorded in Volume 485, page 492, of the Marriage License Records in the District of Columbia.

A source of information hereinafter designated as T-9 advised that during the period in which the informant was contacted, FRANK J. DONNER received firstclass mail from the National

Federation of Constitutional Liberties, 1410 H Street, N. W., Washington, D. C., on July 5, 8 and 12, 1941, at his present residence, 1869 Mintwood Place, N. W.

A source of information herein designated as T-10 advised that FRANK JARVIS DONNER was present at a meeting on September 14, 1941 of the Citizens Committee Against Police Brutality, held at 10th and U Streets, N. W., Washington, D. C., at which time he addressed the meeting and was introduced as legal adviser to the committee. DONNER in his address to the group cited instances of police brutality during recent months. This informant advised that also present at the meeting were persons known to his organization to be members of the Communist Party. Informant stated that frequent references were made to the National Negro Congress by various speakers from which inference could be drawn that this meeting was sponsored in part by the National Negro Congress.

Special Agent M. J. CONNOLLY observed FRANK J. DONNER to be present at the meeting of the Citizens Committee Against Police Brutality on September 14, 1941. Agent CONNOLLY stated that FRANK J. DONNER addressed the group on this occasion, citing recent instances of alleged police brutality. Agent CONNOLLY during the course of the meeting, was situated in such a position to overhear conversation between FRANK J. DONNER and two or three other persons near him. DONNER was heard to make the remark, "We may as well contribute \$10.00 for we are already in the hole." Subsequent to this remark, Agent CONNOLLY observed a young woman to whom the remark had been addressed, arose and made a pledge of \$10.00 to the Citizens Committee Against Police Brutality in the name of the Washington Committee for Democratic Action.

Special Agents WILLIAM MORAN and HAWTHORNE PHILLIPS took photographs of the persons in attendance at the above mentioned meeting and it is noted that the photograph of FRANK J. DONNER was among those taken. These photographs are in the files of the Washington Field Office.

It was ascertained from a confidential source herein designated as T-11, that FRANK J. DONNER was appointed to be a member of the "Steering" Committee for a meeting of the Citizens Committee Against Police Brutality, to be held on September 14, 1941. Other members of the "Steering" Committee known to the informant were as follows:

RICHARD BANCROFT, National President, American Student Union, who according to a confidential informant herein designated as T-14 was an active member of the Communist Party from 1933 through 1938, and who according to confidential informant herein designated as T-15 incessantly condemned the democratic process of government and praised the Russian form of government during his attendance at Howard University; EVE BUDD, who according to confidential informant herein designated as T-16, has been actively engaged in the affairs of the Washington Committee for Democratic Action, and is an associate of persons described by the informant as Communists and radicals; THELMA DALE, member of the National Executive Board of the Negro Youth Congress,

and who according to confidential informant T-14, was an active member of the Communist Party from 1933 to 1938; MARTIN CHANCEY, Secretary of the District of Columbia Communist Party; JOHN P. DAVIS, National Secretary of the National Negro Congress, sponsor of the Washington Committee for Democratic Action, and alleged by confidential informant T-14 to have been an active member of the Communist Party from 1933 through 1938; CALVIN COUSINS, Vice President, National Negro Congress, an employee of the Daily Worker, and alleged by Confidential Informant T-14 to have been an active member of the Communist Party from 1933 through 1938.

It was ascertained from this same source that FRANK J. DONNER contacted JACK MINK on September 4, 1941 with regard to any information he might have concerning police brutality in connection with the Arcade Laundry strike. It was ascertained that DONNER had advised MINK that one KATZ, believed by the informant to be SIDNEY KATZ, had suggested that he, DONNER, contact MINK with regard to the above.

Investigation was made at Newark, New Jersey, at which place FRANK J. DONNER was employed as a reporter during 1930 and 1931 by the now defunct Newark Star-Eagle. Mr. JOSEPH F. REILLY, former city editor of this paper, advised that he recalled DONNER and stated that he does not recall any Communistic tendencies or theories on the part of DONNER at that time.

Investigation was made at the University of Wisconsin, Madison, Wisconsin. Among those interviewed were Miss ELIZABETH MADDEN, Dean of Men's Office; Professor C. B. NETTLES, Miss E. LEUTE, Secretary, History Department; and Professor G. C. SELLERY. It was ascertained from interviews with these individuals that DONNER was regarded by the faculty at the University of Wisconsin to be an exceptionally brilliant student with an active, alert mind. These persons stated that they had not observed that DONNER is possessed of any un-American or Communistic tendencies and expressed the opinion that he is wholly in accord with the democratic form of government. Professor NETTLES recalled that on one occasion a young Communist was in one of his classes. He stated that FRANK J. DONNER took opposition to the views expressed by the young Communist and in his arguments decidedly denounced the Communistic form of government.

IV. INTERVIEW WITH EMPLOYER

At the telephonic invitation of Special Agent B. P. CRUISE, FRANK JARVIS DONNER appeared in the Washington Field Office at

12:00 noon, October 22, 1941, at which time Mr. DONNER, after first being sworn, responded to questions propounded by Special Agent B. P. CRUISE. The original of this statement is being retained in the office of the Washington Field Division as an exhibit. Copies of Mr. DONNER's statement which are included with copies of this report have been altered to note alterations made on the original by Mr. DONNER in his own handwriting.

It might be noted in connection with this statement that Mr. DONNER requested that he be given a copy. He was advised that this office had no authority to comply with his request.

Mr. DONNER's statement is as follows:

Washington, D. C.
October 22, 1941

Statement of FRANK J. DONNER, made in the presence of Special Agents R. P. CRUISE, R. E. RYAN, and M. C. CLEMENTS, and Stenographer MARY ALICE SULLIVAN, Federal Bureau of Investigation; questions by Mr. CRUISE.

Q. Do you have any objection to the taking of an oath?

A. No, I don't have any objection.

Q. Will you stand please and raise your right hand? Do you solemnly swear that the statements you are about to make in connection with this inquiry concerning your status as a Government employee will be the truth, the whole truth, and nothing but the truth, so help you God?

A. I do.

Q. Will you state your full name?

A. FRANK J. DONNER.

Q. Where are you employed?

A. National Labor Relations Board.

Q. In what capacity?

A. As attorney.

Q. Is that in Washington, D. C.?

A. In Washington, D. C.

Q. How long have you been so employed?

A. Since March, 1941. (F.J.D.)

Q. What is your present address?

A. 3201 W Street, S. E., Washington, D. C.

Q. How long have you lived at that address?

A. About 2 weeks.

Q. Where did you live prior to that?

A. 1869 Mintwood Place, N. W.

Q. How long did you live there?

A. Since January 1, 1941.

Q. What other addresses have you lived at since coming to Washington?

A. 3620 16th Street, N. W., and for a very brief time at the corner of 15th and Florida; I don't know the exact street address; I could check it for you.

Q. Mr. DONNER, are you a member or have you ever been a member of the Communist Party?

A. No, I am not and I have never been a member of the Communist Party.

Q. Are you a member or have you ever been a member of the Young Communists League?

A. No, I am not and never have been a member of the Young Communists League.

Q. Have you ever attended any meetings of either the Communist Party or the Young Communists League?

A. No, I have not attended any meeting of either organization, either the Communist Party or the Young Communists League.

Q. Did you ever contribute any money to either of these organizations?

A. I have never contributed any money to either of these organizations.

Q. Did you ever take part in any activities whatsoever of those organizations?

A. No, I have never taken part in any activities whatsoever of those organizations.

Q. Mr. DONNER, do you recall any incident in your experience from which some people might come to the conclusion that you were Communistic?

A. Well, I think this is probably an appropriate time to mention what we discussed before; namely, a trip to Russia. I want to say in that connection that I was asked by a friend to go to Russia to investigate the disappearance of a relative of his. I went to Russia. I stayed in Russia for a very brief period of time, only for the purpose of completing that business. I discovered that my client's relative was in prison, together with his wife. From that I have formed and have always held the conclusion that the Russian system is not a satisfactory one from the point of view of civil rights. I have never mentioned this trip to Russia because I have always regarded it as a confidential mission on which my client sent me. It has always left me with a feeling that from the point of view of civil rights, this country is a preferable place, and indeed an ideal place to live. I went to Russia solely because I was engaged to do so as an attorney. (F.J.D.)

Q. When you went to Russia, did you go at the expense of this friend of yours?

A. Absolutely. Not only did I go at the expense of this friend, my client, but I returned to him that amount of the cost of the trip which remained unused by virtue of my curtailed stay in that country.

Q. Approximately how long did you spend in Russia?

A. At the outside, one week.

Q. And what place did you visit in Russia?

A. When you arrive in Russia, you land in Leningrad. The night I landed in Leningrad I took a train immediately to Moscow and stayed there for the duration of my trip, since that was the place where I had heard the client's relative was being detained.

Q. Were you permitted to see that client's relative?

A. I was not permitted to see that client's relative, but gained contact with him through a patient, since the relative of this client had been a professional man.

Q. Were you able to find out the basis upon which this man was imprisoned?

A. I have never been able to find out the basis upon which this imprisonment took place or the imprisonment of his wife, who I subsequently learned was also in prison and had been sent to Siberia. The cause of their arrest and detention is utterly mysterious to me.

Q. How long ago was that trip to Russia?

A. I believe in 1937, the summer of 1937.

Q. Do you recall any other incident or topic of conversation from which anyone might have concluded that you were Communistic?

A. I cannot recall any incident or topic of conversation from which that conclusion might be drawn. I am not a political person and do not generally participate in any organizational efforts where I am required to state what I believe and do not believe. Privately, even in personal conversations, I have never expressed any view or opinion favorable to Communism or the Communistic system.

Q. Has there been any change in your position on the international question since Russia became a party in the present war?

A. To the extent that I have had any position at all, there has been no change in it. I have never taken a position, and I am very confident that I have never assumed any different position from that which I held, let us say a year ago.

Q. Are you a member or have you ever been a member of the Washington Committee for Democratic Action?

A. I cannot answer that question with the explicitness which I would like. I do receive the mail of the organization, and I have on rare occasions attended its meetings. I interested myself in the organization because from my own background and training, which is a study of religious liberty and the law, I acquired an interest in civil rights which led me to interest myself in the character of the work this organization purported to be interested in.

Q. Have you ever read the Constitution and By-Laws of the Washington Committee for Democratic Action?

A. Not only have I not read the Constitution and By-Laws, but I don't know that such documents even exist.

Q. Is there any particular phase of the program of the Washington Committee for Democratic Action in which you have been especially interested?

A. I have been interested in organizations, or let us say work, which concerns the rights of individuals. I believe in civil liberties, and I try as hard as possible to further the interests of civil liberties wherever possible. I should add, as a qualification, that my own equipment leads me only to work in an academic way, rather than in more active participation. I have never been on a picket line or delegation or in any of the more active phases of work in which people sometimes engage.

Q. In receiving literature of the Washington Committee for Democratic Action, did you ask that organization to send it to you?

A. No, I did not, although I had furnished them with my name. (F.J.D.)

Q. Do you know how that organization obtained your name in order to send you that literature?

A. No, I do not.

Q. Are you acquainted with the officers of the Washington Committee for Democratic Action?

A. I am acquainted with some of the officers of the Washington Committee.

Q. Has there been anything from that you have seen or heard in any of the meetings that you have attended of the Washington Committee for Democratic Action that would indicate that organization is Communistic?

A. No, I have never heard or seen anything at the few meetings which I have attended which would lead me to that conclusion. However, I should say that I am hardly qualified to judge what is subversive and what is not subversive. As I said before, I was led to join the organization because I am

interested in civil rights. In so far as that organization engaged in civil rights activity, I have manifested an interest in it.

Q. Is there any specific resolution dealing with a specific instance in the program of the Washington Committee for Democratic Action that you have been particularly interested in?

A. No, I regret to say that I can't recall any specific type of action which has my endorsement or in which I am interested.

Q. About how many meetings in all of the Washington Committee for Democratic Action have you attended?

A. As far as I recall, about 3.

Q. About when was the first meeting you attended?

A. I wouldn't like to say; I can't recall. There was a pretty wide spread; the last was several months ago. I can't recall just when the first meeting I attended was.

Q. Did you attend any meeting in about May of 1940?

A. I can't say yes or no. I may have. I am very bad on dates; I suppose most of us are.

Q. Did you attend any meeting in which you signed the register at the meeting indicating that you are a member of the Washington Committee for Democratic Action?

A. Not to my recollection; I don't recall doing so.

Q. Did you at any time consider yourself a member of the Washington Committee for Democratic Action?

A. I never felt that the organization was a membership organization in the sense that you considered yourself a member. I have never paid dues as far as I recall, and so I can't answer that with as much definiteness as I would like. I have received their mail.

Q. Did you make any contributions of money or services to that organization?

A. Again, not that I recall.

Q. Did you attend a rally of the Citizens Committee Against Police Brutality in September last as a representative of the Washington Committee for Democratic Action?

A. I attended that rally as a member of the Committee.

Q. As a member of which Committee?

A. Citizens Committee against Police Brutality.

Q. Did you pledge \$10.00 or any amount of money in the name of the Washington Committee for Democratic Action at that rally?

A. To my best knowledge and recollection, no.

Q. Did you have any conversation with the person who did pledge some money in the name of the Washington Committee for Democratic Action, telling that individual to make such a pledge?

A. To my best recollection, no.

Q. Do you recall a pledge at that meeting made by anyone in the name of the Washington Committee for Democratic Action?

A. I do not. I don't recall any such pledge.

Q. Have you ever written any of the circulars or literature of the Washington Committee for Democratic Action?

A. I may have, but I don't recall what.

Q. Are you a member or have you ever been a member of the National Federation for Constitutional Liberties?

A. No, unless one can become a member of an organization without one's knowledge. As far as I know, I have never been a member of that organization.

Q. Did you ever contribute any money, either as a membership fee or any other contribution, to that organization?

A. No.

Q. Did you ever attend any meetings of the National Federation for Constitutional Liberties?

A. No.

Q. Have you ever received any of their literature?

A. Yes, I have.

Q. In what way have you received their literature?

A. I have received in my home circulars from the National Federation for Constitutional Liberties.

Q. Is that through the mail?

A. Through the mail, yes.

Q. When was the last time you received such literature?

A. Quite recently. I believe in my new house I received a letter which had been sent to the old one and rerouted to the new.

Q. Did you ask that organization to send you their literature?

A. No, I did not.

Q. Do you know how that organization would obtain your name in order to send you that literature?

A. No, I do not.

Q. Have you ever passed out literature of any kind of any of these organizations?

A. No, I have never passed out literature, nor would I ever pass out literature. I have never taken an active role in these organizations in the sense of passing out literature, picketing or visiting on delegations or anything of that kind.

- Q. Is there anything in your writings from which some people might conclude that you were Communistic?
- A. No, never. Certainly belief that religious liberty is important should not give anyone the feeling that one is a Communist.
- Q. Is that your field?
- A. Yes, and also 17th Century criminal law.
- Q. Is the Committee against Police Brutality sponsored by the Washington Committee for Democratic Action?
- A. I am sorry. I don't know what that means. Do you mean whether the Washington Committee has formed it?
- Q. Yes.
- A. Oh, no. That had a separate existence -- a separate status.
- Q. Is it sponsored or formed originally by any organization?
- A. Not that I know of.
- Q. Do you know of any other organizations or activities or anything with which you have been connected or anything you have done from which some people might jump to the conclusion that you are a Communist?
- A. Fully conscious of my oath, I say there never has been anything I have done from which I feel that anyone might arrive at the conclusion that I am a Communist or subversive in any way.
- Q. Are there any organizations with which you have been connected from which they might reach that conclusion?
- A. No.
- Q. Mr. DONNEL, are you a member or have you ever been a member of the German-American Fund?
- A. No, I have not. I am not now and never have been.

Q. Or of any organization which might be considered connected with it?

A. No, in no sense.

Q. Do you advocate or have you ever advocated any change from our present Constitutional form of government?

A. I do not now and never have advocated such a change in our form of government. I prize too highly the values of ~~its~~ this (F.J.D.) system to advocate such a change. Professionally, as a lawyer, I am too near to the traditions of the system to want such a change.

Q. Mr. DONNER, is there anything further that you would like to add along the lines of this inquiry which would further clarify it?

A. No, there is nothing.

WITNESSES:

(Signed) FRANK J. DONNER

(Signed) R. F. RYAN

(Signed) LOGAN J. DANE JR.

Special Agents

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

- CLOSED -

- T-1 [redacted]
[redacted] Long Island, New York.
- T-2 Photographs of the active indices of the Washington Committee for Democratic Action received from a confidential source.
- T-3 [redacted]
[redacted] Long Island, New York.
- T-4 [redacted] b7D
South, New York City, N. Y.
- T-5 [redacted]
South, New York City, N. Y.
- T-6 [redacted] residence
[redacted] New York City.
- T-7 [redacted] Columbia
University, New York City, New York.
- T-8 [redacted] Columbia
University, New York City, New York.
- T-9 A mail cover placed on the mail of FRANK J. DONNER,
1869 Mintwood Place, Washington, D. C.
- T-10 Report of Lieutenant LINEBERG, Metropolitan Police
Department Public Relations Squad (WFO File #100-949).
- T-11 Highly confidential source of the Washington Field Office.
- T-12 Confidential Informant [redacted] of the Washington Field Office.
- T-13 Highly confidential source of the Washington Field Office. b7D
- T-14 Confidential Informant [redacted] whose identity is already
known to the Bureau.
- T-15 Confidential Informant [redacted] whose identity is already known
to the Bureau.
- T-16 Report of the Special Investigative Division, Metropolitan
Police Department, dated November 22, 1940 (WFO File #100-430
entitled "EVE BUDDNOVITZ alias Eve Budd."

Federal Bureau of Investigation
United States Department of Justice

WFP:AM
101-7

Washington, D. C.
December 1, 1941

~~PERSONAL AND CONFIDENTIAL~~

Director
Federal Bureau of Investigation
Washington, D. C.

Re: FRANK JARVIS DONNER
INTERNAL SECURITY
HATCH ACT
CUSTODIAL DETENTION

Dear Sir:

In accordance with Bureau instructions, there is enclosed herewith additional memoranda on the above subject in order that the custodial detention card may have complete information.

Very truly yours,

S K McKee

S. K. MCKEE
Special Agent in Charge

cc WFO 100-2771
encl.

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFICATION
DATE 9-26-77

RECORDED

COPY IN FILE

100-25688-20

FEDERAL BUREAU OF INVESTIGATION
4 DEC 4 1941
U.S. DEPARTMENT OF JUSTICE

INDEXED FILED

COPIES DESTROYED

See

Frank J. Donner

7-18-58

Hatch Act
Investigation
completed
12/21/41

12-21-41

Declassified by
2333 GAG:ay
8/31/77

FRANK JARVIS DONNER

Communist

Residence:
3801 W Street, S. E.

Business:
National Labor Relations Board
Attorney

Subject was born February 25, 1911 in Brooklyn, New York and is a citizen of the United States. (Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20).

Subject definitely in sympathy with the Communist movement and everything that is a part of it. Subject visited Russia during recent years and returned to United States very much pleased and enthused with work being done in Russia.

[redacted] Long Island, New York. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20).

Prior to subject's trip to Russia, he was constantly arguing and defending the U.S.S.R., and made every effort to listen to all the speeches of EARL BROWDER and other Communistic functionaries. When subject returned from Russia, he was extremely enthusiastic about Communism and pointed to the accomplishments of the U.S.S.R. and that the Communist system was best. ([redacted])

[redacted] Long Island, New York. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20).

Subject known to be a radical and a strong supporter of Communism. Informant bases his statement that subject is radical on statement that he made in defense of Communism in apartment of informant, where subject had vigorously defended the Communist Party program. [redacted] south, New York City. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D.C. W. F. O. 101-7-20).

COPIES DESTROYED

7-10-58
R-230

100-25688-20

Subject is extremely radical and it was necessary; during the period that subject did research at Columbia University, to watch his writings so that they would not be colored to a great extent by subject's pro-Leftist views. Subject was extremely liberal in conversations and constantly defending the thoughts and activities of the Left Wing group of the United States.

[redacted] Columbia University, New York. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20)

b7D

Subject was issued passport, dated July 1, 1938, for extension of travel in France, Sweden, Denmark, Finland, U.S.S.R. for period of two months. (Confidential Informant [redacted] Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20).

The name of FRANK JARVIS DONNER appears in the active indices of the Washington Committee for Democratic Action. This organization is the Washington chapter of the National Federation of Constitutional Liberties. (Photographs of the active indices of the W. C. D.A. from a Confidential Source. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D.C. W. F. O. 101-7-20).

Subject was present at a meeting of the Washington Committee for Democratic Action on May 15, 1940, and on register of persons in attendance at this meeting, the signature of FRANK JARVIS DONNER appears thereon. On the register of signers, there are two columns, one for members and one for guests. Opposite the name of DONNER, the word "yes" appears in the column of members. (Highly confidential source of the W. F. O. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D.C. W. F. O. 101-7-20):

Subject receives first-class mail of the National Federation of Constitutional Liberties, 1410 H Street, N. W., Washington, D.C., on July 5, 8 and 12, 1941.)Mail cover. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20).

Subject was present at a meeting on September 14, 1941 at the Citizens League Against Police Brutality, 101 C Street, N. W., at which time he addressed the meeting and was introduced as legal advisor to the Committee. Also present at this meeting were persons known to be members of the Communist Party. (Report of Lieutenant LINEBERG, Metropolitan Police Department, Public Relations Squad (WFO file 100-949) Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W. F. O. 101-7-20).

During the course of the meeting on September 14, 1941 of the Citizens' Committee against Police Brutality, subject was overheard to make a statement to other people around him to this effect: "We may as well contribute \$10 for we are already in the hole." Subsequent to this remark, a young woman to whom the remark had been addressed made a pledge of \$10 to the Citizens' Committee Against Police Brutality, in the name of the Washington Committee for Democratic Action. (Special Agent M. J. CONNOLLY, Washington Field Office. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W.F.O.101-7-20).

Subject was appointed to be a member of the "Steering" Committee for a meeting of the Citizens Committee Against Police Brutality. Other members of the "Steering" Committee were RICHARD BANCROFT, National President, American Student Union, MARTIN CHANCEY, Secretary of the District of Columbia Communist Party, JOHN P. DAVIS, National Secretary of the National Negro Congress, and CALVIN COUSINS, Vice-president of the National Negro Congress, an employee of the Daily Worker. (Confidential Informant [redacted] of the Washington Field Office. Report of Special Agent M. C. CLEMENTS, dated November 14, 1941 at Washington, D. C. W.F.O.101-7-20).

b7D

GNW:ML

100-25688-12

December 24, 1941

~~PERSONAL AND CONFIDENTIAL~~

Mr. H. A. Willis
Chairman
National Labor Relations Board
Shoreham Building
Washington, D. C.

Dear Mr. Willis:

Reference is made to your letter dated April 8, 1941, addressed to Mr. Matthew F. McGuire, formerly the Assistant to the Attorney General, requesting that an investigation be made concerning several employees of the National Labor Relations Board. One of the persons referred to is Mr. Frank J. Donner.

Supplementary to the reports previously prepared and forwarded to Mr. McGuire for transmittal to you, there is transmitted herewith one copy each of the following reports:

Report of Special Agent L. O. Prior, dated September 30, 1941, at New York, New York;

Report of Special Agent M. C. Clements, dated October 3, 1941, at Washington, D. C.;

Report of Special Agent H. C. Clements, dated November 14, 1941, at Washington, D. C.

As the investigation of this case is complete, no further inquiry will be made unless requested by you.

Inasmuch as this investigation was continued pursuant to the Congressional directive as contained in Public Law No. 135, 77th Congress, I shall appreciate being advised as to whether any action will be taken by you as a result of this investigation, either by way of exoneration, dismissal or other administrative action.

Sincerely yours,

John Edgar Hoover
Director

COMMUNICATIONS SECTION
MAILED

★ DEC 24 1941 ★

P. M.
BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

32 DEC 30 1941

*Declassified by
2333 GAB
8/31/77*

APPROPRIATE AGENCY
ADVISED BY ROUTING
SLIP(S) OF
DATE 12/24/41
100-25688-12

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Tracy _____
Mr. Rosen _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Holloman _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____

[Handwritten signature]

[Handwritten signature]

December 9, 1941

~~CONFIDENTIAL~~
REGISTERED MAIL
RETURN RECEIPT REQUESTED

Special Agent in Charge
Washington, D. C.

RE: FRANK J. BONNER
INTERNAL SECURITY

Dear Sir:

There is enclosed herewith a photostatic copy of

* an addition to the Custodial Detention card relating to Subject. This addition is to be attached to the photostatic copy of the Custodial Detention card already in your possession.

— a revised Custodial Detention card relating to Subject to be substituted for the photostatic copy of the Custodial Detention card presently in your possession which should be destroyed.

Very truly yours,

John Edgar Hoover
Director

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Tracy _____
Mr. Rosen _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Hoffman _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____

RECORDED
Enclosure
COMMUNICATIONS SECTION
MAILED
DEC 9 1941
P. M.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

100-25688-21
FEDERAL BUREAU OF INVESTIGATION
DEC 11 1941
U. S. DEPARTMENT OF JUSTICE

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFICATION
DATE 8-26-77 BY SP-7/ML/STW
GAB/MLC

Declassified by
2333 GAB: g
8/31/77

HEW:EW

100-25688-20

RECORDED

February 17, 1942

MEMORANDUM FOR MR. L. H. C. SMITH
CHIEF, SPECIAL DEFENSE UNIT

Re: FRANK JARVIS DONNER

There is attached hereto a copy of a memorandum dated February 17, 1942, reflecting the activities of the above named subject who is a citizen of the United States.

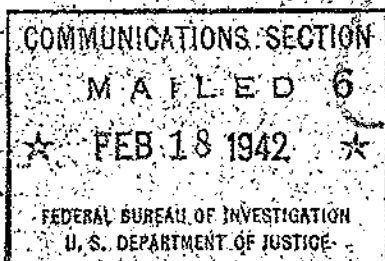
In view of the information contained in the attached, it is requested that you advise whether the apprehension of this individual is desired.

Very truly yours,

John Edgar Hoover
Director

Attachment

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Tracy _____
Mr. Rosen _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Holloman _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____



COMMUNICATIONS SECTION
FEB 18 1942

[Handwritten signatures and initials]

November 28, 1941

GNW:ML
100-25688 -14

Special Agent in Charge
Washington, D. C.

Re: FRANK JARVIS DONNER,
Assistant Attorney, Legal Division,
National Labor Relations Board.
INTERNAL SECURITY - HATCH ACT.

Dear Sir:

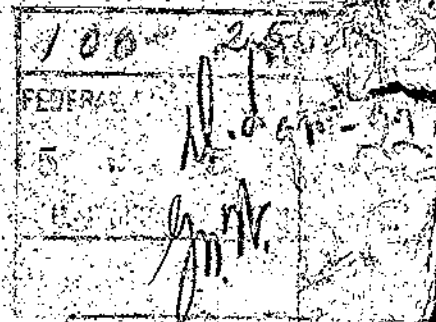
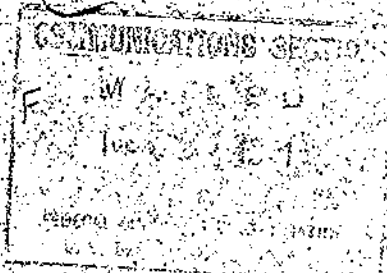
Reference is made to the report of Special Agent
H. C. Clements, dated October 3, 1941, at Washington, D. C.,
in the above-captioned case.

You are instructed to advise the Bureau by return
mail as to when the investigation in this case will be
concluded and a closing report may be expected.

Very truly yours,

John Edgar Hoover
Director

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Tracy _____
Mr. Rosen _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Hoffmann _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

February 20, 1942

Mr. Tolson.....
Mr. E. A. Tamm.....
Mr. Clegg.....
Mr. Glavin.....
Mr. Ladd.....
Mr. Nichols.....
Mr. Tracy.....
Mr. Rosen.....
Mr. Carson.....
Mr. Coffey.....
Mr. Hendon.....
Mr. Holloman.....
Mr. Quinn Tamm.....
Mr. Nease.....
Miss Gandy.....
Files.....

MEMORANDUM FOR MR. J. EDGAR HOOVER
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Re: Frank Jarvis Donner

Receipt is acknowledged of your memorandum concerning the above-named individual.

Since it appears that the subject is not an alien enemy, apprehension, of course, is not desired. However, consideration is being given to the information set forth and you will be advised further concerning this individual.

Lawrence M. C. Smith
Chief, Special Defense Unit

By Joseph Prendergast
Joseph Prendergast
Assistant Chief

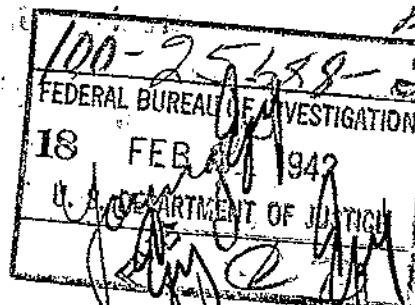
FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

RECORDED

2 FEB 26 1942



EAT:GEG

February 26, 1942

MEMORANDUM FOR MR. UGO CAEUSI,
EXECUTIVE ASSISTANT TO THE ATTORNEY GENERAL

Pursuant to your telephonic request I am furnishing herewith copies of the following reports which deal with Mr. Frank Jarvis Donner, who is the subject of an investigation conducted under the provisions of the Hatch Act:

Report of Special Agent C. O. Orton dated June 23, 1941, at Washington, D. C. 4
Report of Special Agent C. B. Howard dated July 10, 1941, at Milwaukee, Wisconsin 5
Report of Special Agent L. O. Prior dated August 13, 1941, at New York City 6
Report of Special Agent Kenneth C. Homs dated September 13, 1941, at Newark, New Jersey 11
Report of Special Agent L. O. Prior dated September 30, 1941, at New York City 12
Report of Special Agent H. C. Clements dated October 3, 1941, at Washington, D. C. 14
Report of Special Agent H. C. Clements dated November 14, 1941, at Washington, D. C. 19

Very truly yours,

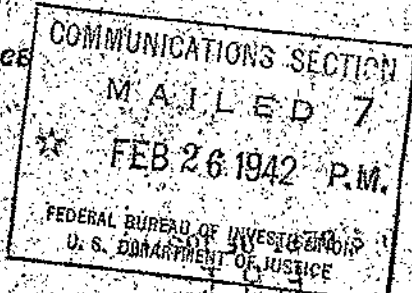
COPIES DESTROYED

John Edgar Hoover
Director

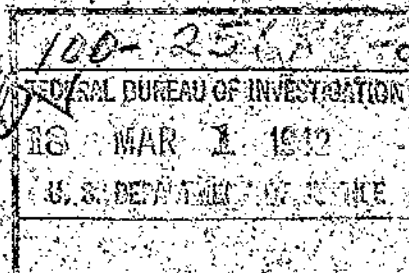
6 0 OCT 16 1973

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Tracy _____
Mr. Rosen _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Holloman _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____

Enclosures



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ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

March 11, 1942.

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Am

MEMORANDUM FOR MR. J. EDGAR HOOVER
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. Tolson	.....
Mr. E. A. Tamm	.....
Mr. Clegg	.....
Mr. Glavin	.....
Mr. Ladd	.....
Mr. Nichols	.....
Mr. Tracy	.....
Mr. Rosen	.....
Mr. Carson	.....
Mr. Coffey	.....
Mr. Hendon	.....
Mr. Holloman	.....
Mr. Quinn Tamm	.....
Mr. Nease	.....
Miss Gandy	.....
Files	.....

Please be advised that in the light of additional information received from the Bureau, the tentative dangerousness classification of the individual named below has been revised as follows:

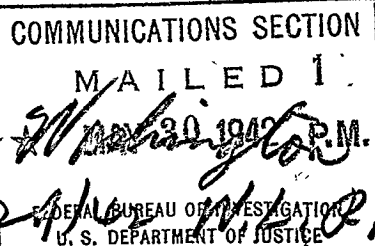
<u>Name</u>	<u>Classification</u>	
	<u>From</u>	<u>To</u>
<u>Donner, Frank J.</u> 3801 W. St., S. E. Washington, D. C.	B-2	A-1

If additional information is received concerning this individual which necessitates further change in his dangerousness classification you will be promptly advised.

Lawrence M. C. Smith
Chief, Special Defense Unit

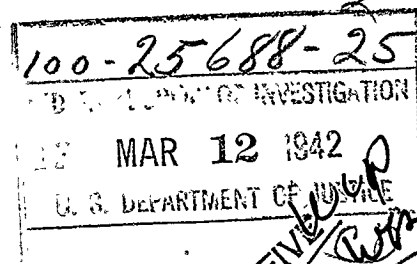
By *Joseph Prendergast*
Joseph Prendergast
Assistant Chief

FOR DEFENSE



8 JUN 2 1942 42

RECORDED



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

March 25, 1942.

MEMORANDUM FOR MR. J. EDGAR HOOVER
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Re: Frank J. Donner A-1
3801 W. Street, S. E.
Washington, D. C.

Mr. Tolson.....
Mr. E. A. Tamm.....
Mr. Clegg.....
Mr. Glavin.....
Mr. Ladd.....
Mr. Nichols.....
Mr. Tracy.....
Mr. Rosen.....
Mr. Carson.....
Mr. Coffey.....
Mr. Hendon.....
Mr. Holloman.....
Mr. Quinn Tamm.....
Mr. Nease.....
Miss Gandy.....

Set out above is the tentative dangerousness classification of the above-named individual, concerning whom a dossier has been previously submitted to this Unit by the Bureau.

Since the facts indicate that the subject is employed by a government agency it may be possible that some administrative or other non-prosecutive action might be taken. It would, therefore, be appreciated if you would have copies of all underlying material in the Bureau files with respect to this individual sent to me as promptly as possible. In the event that the underlying material has already been furnished in this case, only such additional supplemental matter which has since been received by the Bureau will be desired. In instances where additional or supplemental information has not been received, it would be appreciated if you would advise this Unit accordingly.

Lawrence M. C. Smith
Chief, Special Defense Unit

By

Joseph Prendergast
Joseph Prendergast
Assistant Chief

RECORDED

100-25688-26
FEDERAL BUREAU OF INVESTIGATION
MAR 27 1942
U. S. DEPARTMENT OF JUSTICE

FOR DEFENSE



BUY
UNITED
STATES
SAVINGS
BONDS
AND STAMPS

HR:1jm

March 12, 1942

MEMORANDUM FOR MR. L. M. C. SMITH
CHIEF, SPECIAL DEFENSE UNIT

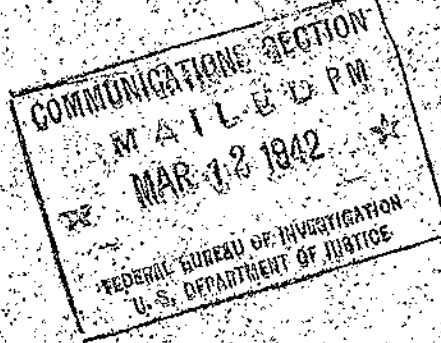
There is submitted herewith an addition to a
dossier dated October 28, 1941, concerning
FRANK J. DONNER, which was
originally submitted under date of May 15, 1941,
re FRANK J. DONNER.

In view of the additional information, it will
be appreciated if you will advise of your opinion in this
case.

Very truly yours,

J. E. Hoover
John Edgar Hoover
Director

Attachment



NOT RECORDED

100-25688

MAR 16 '42

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325
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- Mr. Tolson _____
- Mr. E. A. Tamm _____
- Mr. Clegg _____
- Mr. Glavin _____
- Mr. Ladd _____
- Mr. Nichols _____
- Mr. Tracy _____
- Mr. Rosen _____
- Mr. Carson _____
- Mr. Coffey _____
- Mr. Hendon _____
- Mr. Holloman _____
- Mr. Quinn Tamm _____
- Mr. Nease _____
- Miss Gandy _____

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

WB:LL:a1

146-7-2686

April 13, 1942

Mr. Tolson.....
Mr. E. A. Tamm.....
Mr. Clegg.....
Mr. Glavin.....
Mr. Ladd.....
Mr. Nichols.....
Mr. Tracy.....
Mr. Rosen.....
Mr. Carson.....
Mr. Coffey.....
Mr. Hendon.....
Mr. Holloman.....
Mr. Quinn Tamm.....
Mr. Nease.....
Miss Gandy.....
Files.....

MEMORANDUM FOR MR. J. EDGAR HOOVER,
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Re: Donner, Frank J.
3801 W. Street, S. E.
Washington, D. C.

Mr. L. M. C. Smith, Chief of the Special Defense Unit, has forwarded a file containing an abstract of information concerning the above entitled subject who appears to be a citizen of the United States.

It is requested that any investigative reports and other background information contained in your files relative to the subject be forwarded to the Criminal Division, and that you keep this Division advised of any information received by you in the future on the subject.

Respectfully,

Wendell Berge
WENDELL BERGE,
Assistant Attorney General.

FOR DEFENSE



RECORDED

100-25688-27

FEDERAL BUREAU OF INVESTIGATION

9 APR 14 1942

U. S. DEPARTMENT OF JUSTICE

W. L. R.

WLR:gb
100-25688-26

April 16, 1942

RECORDED

Special Agent in Charge
Washington, D. C.

RE: FRANK J. DONNER
INTERNAL SECURITY
CUSTODIAL DETENTION

Dear Sir:

For your information the facts of the above captioned case have been presented to the Special Defense Unit of the Department.

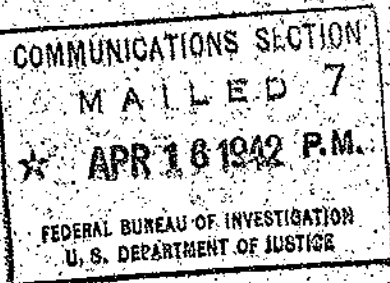
Advice has now been received from that Unit that inasmuch as the subject is not an alien enemy, apprehension is not desired at this time but further consideration is being given to the information received.

Very truly yours,

ca. Donner
John Edgar Hoover
Director

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Holloman _____
Mr. McGuire _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____

1 APR 20 '42



8/1/42
W-10

RE: ~~Donner~~

March 30, 1942

~~Confidential~~

Special Agent in Charge
Washington, D. C.

Declassified by
2333 GAF
9/1/77

RE: Frank J. Donner
INTERNAL SECURITY

Dear Sir:

Reference is made to my letter of August 19, 1941, to all Special Agents in Charge enclosing a copy of a memorandum from Mr. Lawrence M. C. Smith, Chief of the Special Defense Unit of the Department of Justice, relative to the classification, as to dangerousness, of the individuals under consideration for custodial detention and the classification, as to sufficiency, of the evidence upon which the dangerousness classification is made.

Please be advised that information has now been received from the Special Defense Unit that

Frank J. Donner
3620 16th Street, N. W.
Washington, D. C.

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP OF DECLASSIFICATION
DATE 7-26-77 DML/RS

has been tentatively placed in:

Group A. Individuals believed to be the most dangerous and who in all probability should be interned in event of War.

Group B. Individuals believed to be somewhat less dangerous but whose activities should be restricted.

Group C. Individuals believed to be the least dangerous and who need not be restricted in absence of additional information, but should be subjected to general surveillance.

COMMUNICATIONS SECTION
MAILED 4
★ MAR 30 1942 A.M.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

NOT RECORDED

100-25686

- 2 -

The evidence relating to Subject has been classified by the Special Defense Unit as:

_____ 1. Sufficient to establish the charges upon which the dangerous classification was made.

 X 2. Not satisfactory to substantiate the charges.

With respect to citizenship status, Subject has been tentatively classified by the Special Defense Unit as:

_____ (A) An alien

_____ (N) A naturalized citizen

 X (NB) A native born citizen

The above classifications are subject to revision in the light of additional information and you will be promptly informed of any revision of the status of the above named individual.

This investigation must be given preferred and expeditious attention in accordance with existing Bureau instructions and concluded at the earliest possible date. The citizenship status of Subject should be definitely ascertained as soon as possible where this has not already been done.

Very truly yours,

J. E. Hoover

John Edgar Hoover
Director

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Mr. Tolson.....
Mr. E. A. Tamm.....
Mr. Clegg.....
Mr. Glavin.....
Mr. Ladd.....
Mr. Nichols.....
Mr. Rosen.....
Mr. Tracy.....
Mr. Carson.....
Mr. Coffey.....
Mr. Hendon.....
Mr. Kramer.....
Mr. McGuire.....
Mr. Quinn Tamm.....
Mr. Nease.....
Miss Gandy.....
Files.....

May 29, 1942

MEMORANDUM FOR MR. J. EDGAR HOOVER
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Re: Frank J. Donner
3801 W. Street, S.E.
Washington, D. C.

A-1

Trimmer

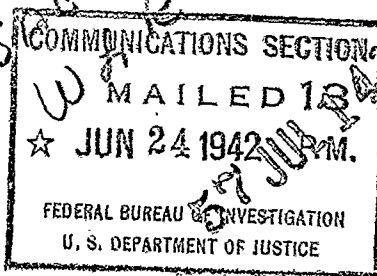
Set out above is the tentative dangerousness classification of the above-named individual, concerning whom a dossier has been previously submitted to this Unit by the Bureau.

Since it appears that the subject is not an alien enemy, his apprehension at this time is not desired.

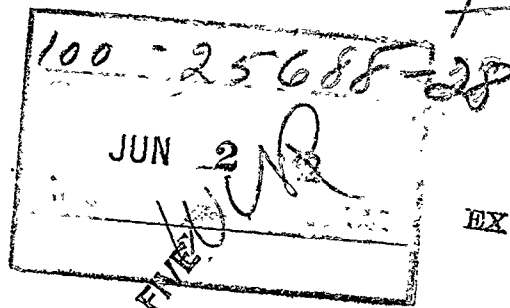
However, since the facts indicate that the subject is employed in a government agency, the case is being called to the attention of the War Department.

Lawrence M. C. Smith
Chief, Special War Policies Unit

By Frank W. Crocker
Frank W. Crocker
Assistant Chief



RECORDED



EX-16

5/13/42
WLR:cal
100-25688-27

RECORDED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL
WENDELL DERGE

RE: FRANK J. DONNER
3801 West Street, Southeast
Washington, D. C.

Reference is made to your memorandum dated April 15, 1942, your reference WLR:cal, 149-7-2688, wherein you requested investigative reports and other background information relative to the subject to be forwarded to the Criminal Division.

The following reports were submitted to Mr. Ugo Carusi on February 20, 1942:

Report of Special Agent G. C. Crton dated June 28, 1941, at Washington, D. C.

Report of Special Agent C. B. Howard dated July 10, 1941, at Milwaukee, Wisconsin.

Report of Special Agent L. O. Prior dated August 15, 1941, at New York City.

Report of Special Agent Kenneth G. Howe dated September 13, 1941, at Newark, New Jersey.

Report of Special Agent L. O. Prior dated September 30, 1941, at New York City.

Report of Special Agent H. O. Clements dated October 3, 1941, at Washington, D. C.

Report of Special Agent H. O. Clements dated November 14, 1941, at Washington, D. C.

No further investigation is contemplated unless a specific request is made by you.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

John Edgar Hoover
Director

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Holloman _____
Mr. McGuire _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____

20 MAY 22 1942

July 14, 1942

GNW:mjl

100-25688-29

RECORDED

Special Agent in Charge
Washington, D. C.

RE: FRANK JARVIS DONNER
NATIONAL LABOR RELATIONS BOARD
INTERNAL SECURITY-HATCH ACT

Dear Sir:

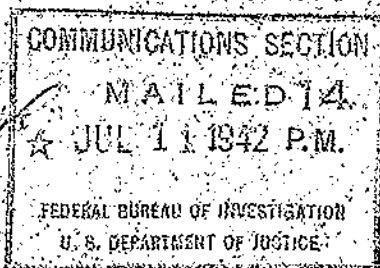
For your information and the completion of your files this is to advise that the above-mentioned government agency has advised the Bureau, after a review of the report submitted by your office, that no administrative action is being taken against the subject of this investigation.

Very truly yours,

J. E. Hoover

John Edgar Hoover
Director

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Carson _____
Mr. Coffey _____
Mr. Hendon _____
Mr. Kramer _____
Mr. McGuire _____
Mr. Quinn Tamm _____
Mr. Nease _____
Miss Gandy _____



207
JUL 17 1942



NATIONAL LABOR RELATIONS BOARD

WASHINGTON, D. C.

June 24, 1942

~~PERSONAL AND CONFIDENTIAL~~

Mr. John Edgar Hoover
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Re: Frank Donner

Dear Mr. Hoover:

Receipt is acknowledged of the above entitled report, describing investigation of an employee of the National Labor Relations Board, made by the Federal Bureau of Investigation, pursuant to the provisions of Public Law No. 135, 77th Congress. You have asked me for my official comment as to the ultimate disposition of this case, either by exoneration, dismissal, or other administrative action.

Since the standards of conduct for government employees and the procedure for removal from the classified service are the subject of numerous statutes, regulations, and judicial decisions, the Board has made an analysis of the law applicable to investigations of this character with a view to ascertaining the pertinent legal principles (See Appendix "A").

The Board, upon receipt of the report, felt that the case was one requiring further study; since the Board's duties made it impossible for it to undertake the necessary inquiry, this case was referred to a committee of Board employees, consisting of Chief Trial Examiner Pratt, Associate General Counsel Gross, and Assistant General Counsel Van Arkel. That committee, after studying the report, interviewing the employee, and making further investigations, recommended exoneration on the basis of the attached report. (See Appendix "B")

The Board, after consideration of the entire record, in the light of the applicable standards, feels that no dismissal proceedings should be instituted and is exonerating Mr. Donner.

Sincerely yours,

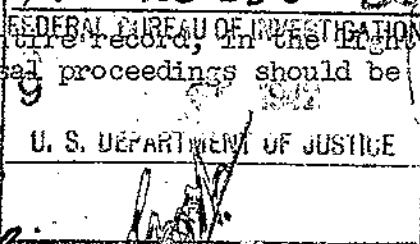
H. A. Millis
Chairman

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Coffey
Mr. Hendon
H. A. MILLIS
Mr. Kranz
WILLIAM M. LEISERSON
Mr. Quinn Tamm
Mr. Nease
Miss Gandy
Files

*Declassified by
2333 Saf: g
12-6-77*

*per Let to Bu
from NLRB dated
10-31-27
Letter to W.F.O.
7-14-42
H.A.M.*

100-25688-219



*only
2 ENCLOS. 8
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Annotated
12-11-42*

APPENDIX "A"

The attached investigation has been made pursuant to a provision in the Department of Justice Appropriation Act, Public No. 135 (77th Cong., 1st Sess.), directing the investigation of employees "of every department, agency, and independent establishment of the Federal Government who are members of subversive organizations or advocate the overthrow of the Federal Government, and report its findings to Congress:". This proviso does not define the word "subversive". Applying the principle of ejusdem generis, however, it may be assumed that it meant organizations which advocate the overthrow of government. Such construction would be in harmony, not only with Section 9A(1) of the Hatch Act which forbids the employment of persons who have "membership in any political party or organization which advocates the overthrow of our constitutional form of government in the United States," but with the language contained in virtually all the appropriation acts which have been passed by Congress since 1939, providing that no part of the appropriations authorized under such acts should

"be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:".

This language of the Hatch Act was the result of an amendment offered on the floor of the House by Mr. Nichols, who explained that it was directed at persons "connected with either the Communist, Fascist or German Bund Parties." (Cong. Rec., Vol. 84, Pt. 9, p. 9635).

Moreover, the Civil Service Commission has implemented Section 9A of the Hatch Act by ruling that as a matter of official policy it will not certify to any department or agency the name of any person when it has been established that he is a member of the Communist Party, the German Bund, or any other communist, nazi or fascist organization. (See Departmental Circular No. 222, June 20, 1940.)

With the exception of the statutory grounds previously enumerated, it should also be noted that employees cannot be removed for political beliefs, no matter how unpopular, since Civil Service Rule I, paragraph 2, forbids discrimination with respect to employees in the classified service because of political or religious opinions or affiliations. Such employees, however, both by reason of the Hatch Act and paragraph 1 of this rule, are forbidden from taking active part in political management or in political campaigns, although they may retain "the right to vote as they please and to express privately their opinions on all political subjects,".

Under the constitution and Civil Service Rule XII, all power of removal in the Government service, except with respect to Presidential appointees, is vested in the head of the appointing agency. Removals on the ground of improving the efficiency of the service may be effected by serving an employee with formal charges, and furnishing an opportunity to file an answer to the charges in writing. A hearing can only be granted

ENCLOSURE

100-25688-29

in the discretion of the removing officer and his separation may be accomplished by including in the record copies of the charges, the answer, the reasons for removal and the order of removal. The employee affected has a limited appeal to the Civil Service Commission, but only on the question of whether the procedure previously outlined has been followed or whether the removal was made for political or religious reasons.

Investigations conducted by the Federal Bureau of Investigation under Public No. 135, however, seem to fall into a different category, since the factual material contained in these investigation reports relates solely to the cause of removal specified in Section 9A of the Hatch Act and in the appropriation acts. It is well established that where causes of removal are specified by the Constitution or by statute, notice and opportunity for hearing are essential. (See Reagan v. United States, 182 U.S. 419, 425; Shurtleff v. United States, 189 U.S. 311, 314; see 39 OP. Atty. Gen. 142). Under ordinary principles of administrative law, a removal made after such a hearing would be reviewable by the courts only to the extent that there must be evidence to support it. In other words, the appointing agency itself must resolve conflicts of testimony and weigh the evidence. Conversely, there must be some evidence that the person removed falls within the classes proscribed by the statute. This evidence need not meet the standards of competence under the common law rules of evidence, but it must be of a substantial character, that is, something more than mere suspicion or an anonymous charge with respect to which no identified person would testify.

This collection of the applicable statutory enactments and regulations indicates the criteria of judgment to be applied to these reports in deciding whether or not the reports should be disposed of by exoneration, the institution of removal proceedings, or (where the report is inconclusive) further investigation. Summarized briefly, these criteria are as follows:

1. An employee is subject to removal proceedings if the report contains evidence that he advocates the overthrow of the Government or is connected with the Communist or German Bund Parties. He is not subject to removal, however, for professing unpopular political beliefs or joining societies or political parties which advocate unpopular social programs, unless they fall into the category of the proscribed classes.

2. The evidence required to justify removal proceedings need not be conclusive or competent in a court of law, but must be "substantial" as that term is applied by the courts with reference to administrative proceedings. In other words, it must be something more than an anonymous charge or mere suspicion.

APPENDIX "B"

June 22, 1942

REPORT ON FRANK DONNER

Frank Donner was appointed to the staff of the Board in March 1940. The investigation of Donner relates both to his activities in New York City prior to coming with the Board and his activities in Washington. With respect to the New York phase of the investigation the charges seem to be that he undertook to convert [redacted] of one of the informants to communism, that he was constantly arguing in defense of the U.S.S.R. and made efforts to listen to all of the speeches of Brodsky; that an informant [redacted] for several years believed Donner to be very liberal and had to watch his work very closely so that it would not be colored by Donner's personal leftist views, and that during the summer of 1933 Donner took a trip to Russia under circumstances which were not entirely clear. b7D

These matters were brought to Donner's attention during an interview with him. Donner identified the person [redacted] of Columbia. Donner pointed out that his research work [redacted] was in the field of 16th Century Criminal Law which was scarcely a field in which so-called leftist sympathies might be expressed. He further pointed out that [redacted] was not a particularly reliable source of information since he was a reactionary anti-New Dealer. Donner stated that [redacted] [redacted] and that this association had grown up because [redacted] It is of

ENCLOSURE

Frank Donner

- 2 -

further interest to note that at the request of Laurence A. Knapp, the Assistant General Counsel of the Board, [redacted] a letter of recommendation for Donner at the time of his appointment. Donner flatly denied any attempt to convert [redacted] to Communism and stated that he could not identify the informant. Donner flatly denied that he had defended communism or made any special effort to listen to any of Browder's speeches. In view of Donner's candid statements and his freedom in talking with the Committee concerning his experience, his denials should be accepted.

b7D

In this connection, it should be noted that, while the investigation report indicates that Donner's scholastic record was low, the contrary appears to be the fact. He went through law school at Columbia upon scholarships; and he received his research appointment [redacted] (a research job which paid \$2,500 a year) on the basis of his high scholastic standing.

With respect to Donner's trip to Russia he gave substantially the explanation he had given previously to the Board. Briefly, this is as follows: During the summer of 1938 he was living in Connecticut and was not particularly busy. He was called by Dr. Morris Greenberg, a friend of Donner's father-in-law. Greenberg's relatives had disappeared in Russia. Greenberg could not go to Russia because he had been born there and asked Donner to go to Russia in his place at his expense. Donner did go. He went directly to Russia and to Moscow. In Moscow he found that

both persons had been imprisoned and one had been sent to Siberia. He stayed in Russia one week and did not enjoy his stay. He was frightened all of the time he was there. He returned the balance of his Intourist ticket book and returned to London where he spent some time doing research in the British Museum. Donner stated that the trip was kept secret because his client, Dr. Greenberg, and his family, feared reprisals if the occasion of the trip were to become known.

On the basis of the foregoing statements by Donner it is felt that there is nothing in Donner's activities prior to his coming to the Board which would indicate that Donner is a member of any subversive organization.

The investigation of Donner's activities in Washington has to do largely with Donner's activities in the Washington Committee for Democratic Action and as an active member of the Citizens Committee on Police Brutality. With respect to the Washington Committee for Democratic Action Donner stated that he recalls that a former college friend asked him to attend a meeting at which Senator Murray was to speak. Donner went to the meeting which turned out to be a meeting of the Washington Committee for Democratic Action and he thought he probably signed a paper or a membership card there. He was interested in the Washington Committee because it seemed to be an organization which was concerning itself with civil liberties. On various occasions he was asked to do work for the Washington Committee, but most of the time he was unable to render any service. Donner did, however,

prepare and read a resolution opposing the Smith and Hoffman Labor bills at a meeting of the Washington Committee for Democratic Action. Although Donner could not place the time of this meeting he identified it as a meeting at which there was a general discussion, and from other information it can be said that this meeting took place in December 1940. Donner also was asked to and did draft a letter for the Washington Committee for Democratic Action concerning the Ramsey-King-Conner frame-up in California. Donner pointed out that he was a "writing person" and he supposed that that was the reason he was asked to undertake these assignments. He came to feel that the Washington Committee for Democratic Action was concerning itself with many issues not related to civil liberties and ceased attending meetings or being active.

In the fall of 1941 Donner did become interested in the Citizens' Committee Investigating Washington Police Brutality. When asked concerning the source of his interest, Donner stated that while he was working as a newspaper reporter on a paper in Newark, N. J., the Wickersham Report was issued; his paper sent him to investigate prison conditions in connection with the report and Donner at that time became interested in the subject of police brutality. When two negroes were killed in Washington his interest revived and he associated himself with the Committee working on that matter. He became a member of the Executive Committee. On this Committee were Julia West Hamilton, head of the Y.W.C.A., a Mr. Arnold, Treasurer of the negro Y.W.C.A., a Frank Alstork and Doxie Wilkerson, a

dollars. Donner flatly denied making this remark. He described the arrangement for the meeting. Donner with two other persons was seated on a raised platform at one end of the meeting place. All of the other persons in the audience were facing him and at some distance in front of him. The only female sitting near him was Julia West Hamilton, head of the Y.W.C.A. From this it would appear that the F.B.I. Agent who reported a conversation between Donner and two or three other persons near him must have been mistaken. ||

Donner stated that he had called Jack Mink, an organizer for the C.I.O. Laundry Workers Union, about police brutality in connection with the Arcade Laundry Strike, and stated that he did not confine his calls to Mink but also sought other sources of information including representatives of the A.F. of L.

During the course of this Committee's interview with Donner, Donner at all times spoke freely and frankly and there seemed to be no mental reserve whatsoever. The Committee believes that Donner's interest in the Washington Committee for Democratic Action as well as in the Citizens' Committee against Police Brutality was honestly and sincerely motivated by his interest in civil liberties generally and can be entirely explained in that light.

We recommend exoneration. >>

(Signed) George O. Pratt

(Signed) Ernest A. Gross

(Signed) Gerhard Van Arkel

Dated at Washington, D. C., this
24th day of June 1942.

professor at Howard University. Also on this Committee was Thelma Dale, but Donner said that she was not active and he knew nothing of her political views. Ernest Goodman of the Urban League was also active for a while. Donner recalled the meeting of the Citizens Committee on Police Brutality held September 14, 1941. Donner stated that he did not get the impression from anything said at that meeting that the National Negro Congress had had anything to do with the organization of the League. Donner does not belong to the National Negro Congress, although he is a member of the National Association for the Advancement of the Colored People. Donner stated that the Citizens Committee wrote several letters to Police Commissioner Kelly, and received letters from Kelly. He also stated Police Commissioner Kelly attended several meetings of the Committee and that as a result of the Committee's activity several promised reforms were made and that instances of police brutality sharply declined thereafter. Donner stated that in connection with his work on the Committee he had occasion to see the Police Commissioner several times and that Kelly had at no time and in no wise indicated that he believed the Citizens Committee to be a subversive organization.

In the investigation report submitted by the F.B.I. Agent was the statement that he was in a position in which he could overhear a conversation between Frank Donner and two or three persons near him, and that Donner was heard to make the remark "We may as well contribute ten dollars for we are already in the hole," to a representative of the Washington Committee for Democratic Action who thereupon contributed ten

NOT USED

100-25688-30

CHANGED TO

100-227741-2

JCH:DA
100-25688

SAC, WASHINGTON

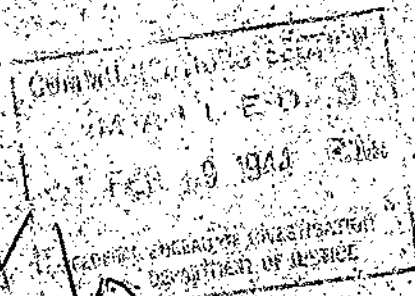
February 18, 1944

J. Edgar Hoover, Director, Federal Bureau of Investigation

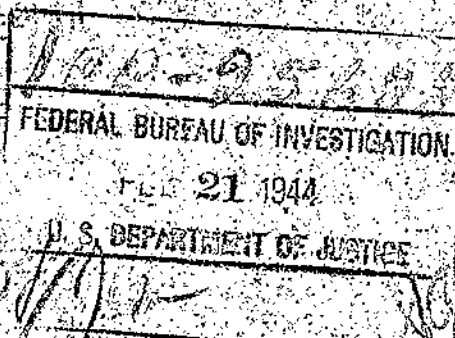
FRANK JARVIS DONNER
SECURITY MATTER - C

From a review of the file in the above captioned case, it is not believed that the continued maintenance of a security index card on the above captioned subject is warranted.

You are, therefore, instructed to remove this card from your confidential file and to place it in the investigative case file.



RECORDED
INDEXED



August 27, 1943

~~CONFIDENTIAL~~
 REGISTERED MAIL
 RETURN RECEIPT REQUESTED

Special Agent in Charge
 Washington, D. C.

RE: FRANK JARVIS DONNER
 SECURITY MATTER (C)

Dear Sir:

There is enclosed herewith a photostatic copy of

— an addition to the Security Index card relating to Subject. This addition is to be attached to the photostatic copy of the Security Index card already in your possession.

— a revised Security Index card relating to Subject to be substituted for the photostatic copy of the Security Index card presently in your possession which should be destroyed.

Very truly yours,

John Edgar Hoover
 Director

Mr. Tolson _____
 Mr. E. A. Tamm _____
 Mr. Clegg _____
 Mr. Coffey _____
 Mr. Glavin _____
 Mr. Ladd _____
 Mr. Nichols _____
 Mr. Rosen _____
 Mr. Tracy _____
 Mr. Acers _____
 Mr. Carson _____
 Mr. Harbo _____
 Mr. Hendon _____
 Mr. Mumford _____
 Mr. Starke _____
 Mr. Quinn Tamm _____
 Mr. Nease _____
 Miss Gandy _____

COMMUNICATIONS SECTION
 MAILED
 AUG 27 1943
 P. M.
 FEDERAL BUREAU OF INVESTIGATION
 U. S. DEPARTMENT OF JUSTICE

Enclosure

SEP 1 1943

APPROPRIATE AGENCY
 ADVISED BY ROUTING
 SLIP (19 OF 22)
 DATE 9-26-77
 DECLASSIFICATION

100-25288-
 NOT RECORDED
 54 AUG 28 1943

⑤
DONNER, FRANK JAMES

NATIVE BORN

COMMUNIST

1369 Mintwood Place, N.W.
Washington, D.C. (Res.)

Born: 2-25-11 at Brooklyn, N.Y.

(WASHINGTON FIELD DIVISION)

MBB/1116 8/21/43

267
Let to WFO.
2-18-44
J.C.M. L.

100-25688
NOT RECORDED
16 AUG 26 1943

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

July 16, 1943

MEMORANDUM FOR
HUGH B. COX, ASSISTANT ATTORNEY GENERAL
AND
J. EDGAR HOOVER, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

I refer to Mr. L. M. C. Smith's memorandum to me dated June 28, 1943, which reviews the history, development, and meaning of the Special Case work and of the danger classifications that were made as a part of that work.

After full re-consideration of these individual danger classifications, I am satisfied that they serve no useful purpose. The detention of alien enemies is being dealt with under the procedures established by the Alien Enemy Control Unit. The Special Case procedure has been found to be valueless and is not used in that connection. There is no statutory authorization or other present justification for keeping a "custodial detention" list of citizens. The Department fulfills its proper functions by investigating the activities of persons who may have violated the law. It is not aided in this work by classifying persons as to dangerousness.

Apart from these general considerations, it is now clear to me that this classification system is inherently unreliable. The evidence used for the purpose of making the classifications was inadequate; the standards applied to the evidence for the purpose of making the classifications were defective; and finally, the notion that it is possible to make a valid determination as to how dangerous a person is in the abstract and without reference to time, environment, and other relevant circumstances, is impractical, unwise, and dangerous.

For the foregoing reasons I am satisfied that the adoption of this classification system was a mistake that should be rectified for the future. Accordingly, I direct that the classifications heretofore made should not be regarded as classifications of dangerousness as a

100-25688

144
58 AUG 12 1943
66

determination of fact in any sense. In the future, they should not be used for any purpose whatsoever. Questions raised as to the status or activities of a particular person should be disposed of by consideration of all available information, but without reference to any classification heretofore made.

A copy of this memorandum should be placed in the file of each person who has hitherto been given a classification. In addition, each card upon which a classification appears should be stamped with the following language:

"THIS CLASSIFICATION IS UNRELIABLE. IT IS
HEREBY CANCELLED, AND SHOULD NOT BE USED
AS A DETERMINATION OF DANGEROUSNESS OR OF
ANY OTHER FACT. (SEE MEMORANDUM OF JULY 16,
1943 FROM THE ATTORNEY GENERAL TO HUGH B.
COX AND J. EDGAR HOOVER)."

Attorney General

Federal Bureau of Investigation
United States Department of Justice

BHH:AA
101-7

Washington 25, D. C.
February 28, 1944

men
Director, FBI

Re: ⁰FRANK JARVIS DONNER
SECURITY MATTER - C
(Bureau File #100-25688)

Dear Sir:

Reference is made to your letter dated February 18, 1944 in the above-captioned case.

This is to advise that the Security Index card has been removed from the Confidential Card File and placed in the investigative case file of subject as instructed.

Very truly yours,

Guy Hottel
GUY HOTTEL
Special Agent in Charge

RECORDED

st

100-25688-32	
F	B
19	FEB 29 1944

[Signature]



Op. 2
53 MAR 2 1944 *81*



Federal Bureau of Investigation
United States Department of Justice
Washington Field Division, Room 1706



IN REPLY, PLEASE REFER TO

FILE NO. _____

April 26, 1948

Director, FBI

FRANK DONNER
RE: SECURITY MATTER

Dear Sir:

It is recommended that a Security Index card be prepared relative to the individual named below:

Name: FRANK DONNER
Aliases: Frank Jarvis Donner

Residence Address: 1219 Hamilton Street, N.W.
Washington, D. C. - Tel. Taylor 0088

Business Address: CIO - Attorney

☒ Native Born ☐ Alien ☐ Naturalized
☒ Communist ☐ German ☐ Miscellaneous
☐ Fascist (Italian) ☐ Japanese

Date of Birth February 25, 1911
Place of Birth Brooklyn, New York
Entered U. S. _____ at _____
Naturalized (date) _____
Naturalized (place and Court) _____

RECORDED
AM 100-25688-33
29 APR 27 1948

WCR:JC
100-2771

Very truly yours,

GUY HOTTEL
SAC

Letter to SAC WFO
7-6-48 HT

SAC, Washington Field Office

July 6, 1948

Director, FBI

FRANK DONNER
SECURITY MATTER - C
Our file 100-2771

Reurlet April 26, 1948 recommending that a Security Index card be prepared.

A review of the file on the above captioned individual indicates that information was received of a questionable value indicating Donner was listed in connection with the Washington Committee for Democratic Action, the National Federation of Constitutional Liberties, and the Citizens Committee Against Police Brutality. His Communist Party membership or Communist sympathy was never established. Consequently, on the basis of the information presently available, it does not appear that a Security Index card is warranted.

It is suggested that the Washington Field Office submit a new report on this individual, reflecting his Communist sympathy and activity, at which time, if warranted, a new FI-122 Form may be submitted.

100-25688 - 33

EX-19

HT:vw

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Egan _____
Mr. Gurnea _____
Mr. Harbo _____
Mr. Mohr _____
Mr. Pennington _____
Mr. Quinn Tamm _____
Tele. Room _____
Mr. Nease _____
Miss Gandy _____

COMMUNICATIONS SECTION
MAILED 11
★ JUL 6 1948 P.M.
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

62 JUL 23 1948

2-10
2-21
8-21

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT WASHINGTON, D. C.

~~CONFIDENTIAL~~

FILE NO. 100-2771

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 8/9/48	PERIOD FOR WHICH MADE 6/21 & 7/12/48	REPORT MADE BY EDWARD F. HUMMER EFM:RDW
TITLE FRANK JARVIS DONNER			CHARACTER OF CASE SECURITY MATTER - C

SYNOPSIS OF FACTS:

Cancelled
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

FRANK JARVIS DONNER is American citizen, born Brooklyn, New York, 2/25/11. Presently employed as assistant general counsel, CIO. Presently member of the Executive Board of the National Lawyers Guild, D. C. Chapter. Subject, in November, 1947, met with Dr. ALBERT E. BLUMBERG, a national Communist Party functionary under such circumstances as to avoid being detected in BLUMBERG's presence. Subject active in Washington Bookshop and in contact with known members of the Communist Party and others suspected of Soviet espionage. MADELINE JAFFE DONNER, is sister of PHILIP JAFFE, reported member of the Communist Party and observed by Agents in attendance at meeting attended by local Communist Party functionaries.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

Classified by *2-823*
Exempt from GDS, Category *2-2-3*
Date of Declassification Indefinite

9/11/77 *Sq: 3440*

Classified by *Sq-278/DM*
Declassify on: *OADR 3/11/00*

AGENCY *Photo - CIA*
REQ. REC'D
DATE FOR *8-27-59*
HOW FORN. *R/S (4-14-4)*
BY *WFF*

REFERENCES:

#77814999

Bureau File 100-25688.
Report of Special Agent M. C. CLEMENTS,
dated at Washington, D. C., November 14,
1941.

APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES <i>100-25688-34</i> <i>12 AUG 13 1948</i>		RECORDED - 27 INDEXED - 27
COPIES OF THIS REPORT: ⑤ - Bureau 3 - Washington Field <i>1 - COPY IN FILE</i>			

~~CONFIDENTIAL~~

COPIES DESTROYED

~~CONFIDENTIAL~~DETAILS: AT WASHINGTON, D. C.Citizenship Status

FRANK JARVIS DONNER was born February 25, 1911, in Brooklyn, New York, and is, therefore, a citizen of the United States.

Residence

Subject currently resides with his wife, MADELINE DONNER, at 1219 Hamilton Street, N. W., telephone TA. 0088.

Employment

FRANK JARVIS DONNER is presently employed as assistant general counsel, CIO. As such he served as an assistant to LEE PRESSMAN, the former general counsel of the CIO and who has been identified as a member of the Communist Party by a confidential informant hereinafter designated as T-1.

Communist Activities and Affiliations

Confidential Informant C-516 has advised that FRANK DONNER is presently a member of the Executive Board of the National Lawyers Guild, Washington, D. C. Chapter.

On November 11, 1947, Armistice Day holiday, Special Agents CHARLES CLEVELAND, COURTLAND J. JONES, VINCENT W. HUGHES, and L. E. LETCHER, had under physical surveillance, Dr. ALBERT E. BLUMBERG, former national legislative representative of the Communist Party and a top Communist Party functionary. BLUMBERG was observed to be in a conference with CHARLES KRAMER for two hours; then in conference with LUKE WILSON, the national legislative representative for the National Wallace for President Committee, for one hour; and then BLUMBERG was observed to be in conference with FRANK DONNER, assistant general counsel of the CIO. Agents observed BLUMBERG to be riding in an automobile registered in DONNER's name. The automobile toured the northeast section making no stops; toured the vicinity of Union Station and finally came to a halt near the Willard Hotel. During the surveillance it was noted that the various individuals mentioned above who met

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with BLUMBERG generally circled the block once or twice to observe if they were being followed before approaching the DONNER car. It is also pointed out that BLUMBERG is known to have a weekly appointment with EUGENE DEMIIS in New York, generally on Wednesdays of each week which is the day the National Executive Board of the Communist Party is reported to meet.

Confidential Informant C-368 has reported at various times to this office that FRANK DONNER has been active in the Washington Bookshop and on March 19, 1945, DONNER gave SYLVIA BETTSCHER a check believed by the informant to be for books purchased from the Washington Bookshop. On March 7, 1947, the same informant reported that DONNER spoke at the Washington Bookshop on Anti-Labor Legislation. Shortly thereafter the informant reported that FRANK DONNER was the recipient of a gift on behalf of the Washington Bookshop and that he was very much moved emotionally with this gift especially the inscription thereon. On July 14, 1947, the informant advised that ESTAR PASEOFF, a member of the Communist Party and manager of the Washington Bookshop, advised the informant that FRANK DONNER was a speaker at a Washington Bookshop picnic at which one hundred were present.

Various informants listed below have at various times reported that FRANK DONNER has been in contact with known members of the Party or Communist Party sympathizers, and has performed services on behalf of the Communist and front organizations. For example, Confidential Informant C-299 advised that in June, 1945 FRANK DONNER was at the Office of the National Council of Negro Women and worked on preparations for a delegation to visit the War Department to protest segregation in the Armed Forces. The same informant advised in September, 1945 that DONNER was in contact with GERALDINE SHANDROS on behalf of a FEPC meeting in New York City that month. SHANDROS is known to have been in attendance at Communist Party meetings. In addition the subject has been reported to have been in contact with ELEANOR LORIESEN who has been identified as a member of the Communist Party by Confidential Informant [redacted].

Confidential Informant C-299, mentioned above, also reported to this office that during 1945 and 1946, FRANK DONNER had many social dates with HARRIET BOSSLAG, who at that time was representing the International Longshoremen and Warehousemen's Union in Washington, D. C., of which HARRY BRIGGS is

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

the international president. It is here noted that both DONNER and HARRIET BOUSLAG were married persons, HARRIET BOUSLAG's husband being in the Army at the time. In April, 1946, the same informant advised that HARRIET BOUSLAG requested FRANK DONNER to prepare a brief concerning the attempt of the House Committee on Un-American Activities to subpoena the records of the Joint Anti-Fascist Refugee Committee. Recently, many members of the Executive Board of the Joint Anti-Fascist Refugee Committee were convicted and sentenced to jail for refusal to turn over the records to the House Committee. Recently, the Supreme Court refused to review the decisions of the two local courts in this regard.

Confidential Informant C-425 advised that FRANK DONNER was in contact with ELIZABETH SASULY who received advice from him to register as a lobbyist. ELIZABETH SASULY has been reliably reported to be a member of the Communist Party and Agents have observed EUGENE DENNIS and WILLIAM Z. FOSTER, top Communist Party national leaders entering the SASULY apartment. ~~det~~

Confidential Informant C-299 has also advised that DONNER was in contact with WILLIAM GLAZIER, and on one occasion DONNER admitted to GLAZIER that he was the author of an attack on the National Labor Relations Board which appeared in the CIO News.

On November 3, 1947, Confidential Informant C-466 advised that the Progressive Citizens of America was going to hold a meeting on November 14, 1947, at which time CARL MARZANI and FRANK DONNER would be the speakers. The informant later determined that FRANK DONNER cancelled his scheduled appearance only because he would be out of town on a legal matter. CARL MARZANI, with whom the subject was to share the platform, was recently convicted in the U. S. District Court for perjury in that he denied under oath that he was a member of the Communist Party. His conviction was upheld by the Court of Appeals and the Supreme Court recently granted a writ of certiorari and will review the case in the Fall of 1948. (X) ~

Confidential Informants C-516 and C-519 have advised this office that the subject has been in contact with DAVID REIN, Mr. and Mrs. HERMAN EDELSEIG; DAVID GABLINER, an attorney who was dismissed from the University of Virginia for Communist activities; SAMUEL SHANICK, who has been identified by Confidential Informant [redacted] as a member of the Communist Party. (C) ~

b7D

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Party; Dr. and Mrs. ~~VILHELM ROUDER~~, United Nations delegate from Czechoslovakia and reported to be a Communist; Dr. ~~SERGIJE LARIMO~~, connected with the Yugoslavian Embassy in Washington, D. C.; ~~MARTIN POPPER~~, identified by Confidential Informant [redacted] as a member of the Communist Party; and ~~ELIAS NELSON~~ who was dismissed from the Department of Labor for Communist activities. ~~DOMNER~~ has also been in contact with ~~CHARLES KRAMER~~ who has been identified by an admitted Soviet espionage agent as being engaged in suspected Soviet espionage. ~~KRAMER~~ has been further identified as a member of the Communist Party and suspected of Soviet espionage by Confidential Informant T-1. ~~(S)~~

Madeline Jaffe Donner

~~FRANK J. DOMNER~~ is the husband of ~~MADELINE JAFFE DOMNER~~, who is the sister of ~~PHILIP JAFFE~~, a reported member of the Communist Party and who pleaded guilty to an indictment charging ~~JAFFE~~ with stealing confidential files and material, the property of the U. S. Government. ~~MADELINE DOMNER~~ has been reported to be a member of the Communist Party and on June 11, 1944 she was observed by Agents of this office as being in attendance at a meeting lasting from 10:30 A. M. to 6:30 P. M. at the home of ~~HENRY BETTSCHER~~, 3001 15th Street, N. E. Also in attendance at this meeting was ~~AL LAMON~~, Secretary of the Communist organization, District No. 4, and ~~JAMES BRANCA~~, President of the Communist organization for the District of Columbia. At this time the Communist Party was known as the Communist Political Association.

An automobile registered to ~~MADELINE DOMNER~~ was observed to arrive at the above residence at 10:30 A. M. and remained there until 6:30 P. M. when she was seen leaving the premises accompanied by four men. ~~MADELINE DOMNER~~ is presently active in the Southern Conference for Human Welfare and is known to have been in contact during the past few years with the following individuals who are and were members of the Communist Party and Communist Party sympathizers:

~~HARRY MAGDOFF~~
~~MARTIN and KATHRYN POPPER~~
~~ANNE STEIN~~
~~RICHARD SASULY~~
~~SELMER REIN~~
~~ESTAR PASKOFF~~
~~SONIA PRESSMAN~~
~~PAUL WEBER~~
~~ELIZABETH SASULY~~

~~CONFIDENTIAL~~

~~GERALDINE SHANDROS~~

~~HERMAN CLOTT~~

~~WILLIAM GLAZIER~~

~~RUSSELL NIXON~~

~~ALLAN ROSENBERG~~

~~CLIFFORD F. DURR~~

~~ROBERT SLIBERSTEIN~~

~~CONFIDENTIAL~~

Highly reliable and confidential sources have advised that MADELINE JAFFE DONNER's name appears on the mailing list of the American Peace Mobilization, the Washington Committee for Democratic Action, Washington Spanish Refugee Relief Committee, Washington Bookshop, League of Women Shoppers, and the Washington Committee to Aid China.

- CLOSED -

~~CONFIDENTIAL~~

WFO 100-2771

~~CONFIDENTIAL~~

CONFIDENTIAL INFORMANT

T-1 - WHITTAKER CHAMBERS, former editor of the Daily Worker and New Masses magazine now one of the senior editors of Time Magazine.

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : *gdt* GUY HOTTEL, SAC, Washington Field

SUBJECT: FRANK DONNER, with alias
Frank Joris Donner
SECURITY MATTER - C

DATE: June 29, 1949

There is attached herewith, Form FD-119
re FRANK DONNER, with alias, FRANK JORIS DONNER, pre-
viously carried as FRANK DONNER, with alias FRANK JARVIS
DONNER.

FD 119
AND ATTACHED SEPARATELY

REL:cl
100-2771
Enclosure

RECORDED - 129

EX-141

JUL 14 1949

100-25688-35

JUL 5 1949

100-25688

October 6, 1948

CONFIDENTIAL

Special Agent in Charge

WASHINGTON FIELD OFFICE

RE: SECURITY MATTER

*Declassified by
2363 Gof: g
9/1/77*

Dear Sir:

Please be advised that a security index card has been prepared at the Bureau, captioned as follows:

DONNER, FRANK

NATIVE BORN

COMMUNIST

Aliases: Frank Jarvis Donner

Res. Address: 1219 Hamilton Street, N. W.
Washington, D. C. - Tel. Taylor 0088

Bus. Address: CIO - Attorney

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFIED
DATE 7-26-77 CAA/REC

The above caption should be checked immediately for accuracy against the information contained in your files, and the Bureau should be informed of any discrepancies. You will prepare without delay a 5" x 8" white card captioned as above and reflecting your investigative case file number for filing in your Confidential Security Index Card File. In the event the above caption is not correct, the card you prepare should be correctly captioned, and the Bureau should be informed of the correct caption.

The caption of the card prepared and filed in your Office must be kept current at all times and the Bureau immediately advised of any changes made therein in that connection.

Very truly yours,

COMMUNICATIONS SECTION

MAILED 13

OCT 6 1948

P.M.

John Edgar Hoover
Director

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

HT:mo

62 OCT 11 1948

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Egan _____
Mr. Gurnea _____
Mr. Harbo _____
Mr. Mohr _____
Mr. Pennington _____
Mr. Quinn Tamm _____
Tele. Room _____
Mr. Nease _____
Miss Gandy _____

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

WASHINGTON, D. C.

FILE NO. 100-2771

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 8-18-49	PERIOD FOR WHICH MADE 6/27, 28; 7/21/49	REPORT MADE BY ROBERT E. LEONARD	MAH
TITLE CHANGED: FRANK DONNER, WA FRANK JORIS DONNER			CHARACTER OF CASE SECURITY MATTER - C	

SYNOPSIS OF FACTS:

DONNER entered on duty as an Assistant Attorney, Litigation Enforcement Division, National Labor Relations Board, at Washington, D. C., effective March 22, 1940. DONNER subsequently resigned as Principal Litigation Attorney (Supervisor), P-6, in the same office, effective at the close of business on January 20, 1945. His terminal leave extended to April 6, 1945. DONNER was thereafter employed as Assistant General Counsel, CIO, at Washington, D. C. He resigned from the CIO and went to New York City in the early part of June 1949 to engage in the private practice of law. Files of the Metropolitan Police Department reflect no criminal record, but an extensive traffic record. Description set forth. Handwriting specimens obtained.

- P -

REFERENCE:

Bureau File 100-25688

AGENCY Photo - CIA
REQ. REC'D
DATE FORW. 4-27-57
HOW FORW. RIS (6-14-f)
BY WHE

DETAILS:

AT WASHINGTON, D. C.

The title of this case is marked changed to reflect DONNER's correct full name as FRANK JORIS DONNER and to delete the aliases of FRANK JARVIS DONNER and FRANK JARVIS DONNER.

A review of DONNER's personnel file on June 28, 1949, by the writer at the National Labor Relations Board, South Building, Federal Security Agency, reflected the following pertinent information.

APPROVED AND FORWARDED: <i>Guy Hottel</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 5 - Bureau (Enc.) 3 - New York (Enc.) 2 - Washington Field		100-25688-36	RECORDED - 97 INDEXED - 97
COPY IN FILE		22-1949	EX-50

FRANK JORIS DONNER came to Washington, D. C. from New York City to enter on duty with the National Labor Relations Board as an Assistant Attorney in the Litigation Enforcement Section, at \$2600.00 per year effective March 22, 1940. His permanent residence was then listed as the state of New Jersey. As of March 23, 1940, he had resided at Apartment 702, Oaklawn Terrace Apartments, 3620 16th Street, N. W., for the past eight months. He left this residence address finally sometime in late 1940. Effective October 1, 1940, DONNER moved to Apartment 1 at 2201 15th Street, N. W., Washington, D. C. He married MADELINE JAFFE on November 15, 1940, at Washington, D. C. This was his second marriage, his first having ended in a divorce.

~~FRANK JORIS DONNER~~

Mr. and Mrs. DONNER took up residence in the apartment house located at 1869 Mintwood Place, N. W., Washington, D. C., this being about January 1941. His wife, MADELINE DONNER, was then employed by the Farm Security Administration as an Assistant Statistician. After January 1, 1941, Mr. and Mrs. DONNER resided at 3801 W Street, S. E., Washington, D. C.

DONNER's date of birth was verified from university records of the University of Wisconsin as February 25, 1911, at Brooklyn, New York. Likewise, his date of birth was verified from the passport records of the State Department which contain an affidavit verifying his place and date of birth as listed above. His father, SAM (SAMUEL) DONNER, was born in Austria February 28, 1884.

FRANK JORIS DONNER attended the University of Wisconsin at Madison, Wisconsin, and graduated on June 18, 1934, with both AB and MA degrees. DONNER attended Columbia Law School in New York from 1934 to 1937 and received his LL. B. degree. He was allegedly admitted to practice in the state of New York in March 1938.

Effective July 1, 1941, DONNER was promoted to the position of Associate Attorney, Legal Division, Litigation Enforcement Section, National Labor Relations Board, Grade F-3 at \$3200 per year. DONNER was promoted to P-4 at \$3800 per year in the same office effective September 1, 1941. He was thereafter promoted to the position of Senior Attorney (Supervisor) P-5, \$4600 per year in the same office effective August 15, 1942.

During World War II, DONNER was registered with Local Board 11 then located 2005 15th Street, N. W., Washington, D. C. He was deferred at the request of the National Labor Relations Board as a necessary employee. DONNER reported, in a routine form memorandum, on January 8, 1943, that he then resided at 3810 W Street, S. E., Washington, D. C. and had one dependent child. As of January 15, 1944, DONNER reported that he still had but one dependent child.

DONNER received a change in status effective January 11, 1943, to the position of Principal Litigation Attorney (Supervisor) in the same office in Grade P-6 at \$5600 per year.

FRANK DONNER submitted his resignation effective at the close of business on January 20, 1945, in order to accept a position in private industry. His resignation was accepted and he received a lump sum payment for terminal leave due him covering the period January 21, 1945 to April 6, 1945. Photographs of DONNER's signature have been obtained and they are being forwarded to the Bureau as enclosures to this report.

Thereafter, DONNER accepted employment as Assistant General Counsel with the Congress of Industrial Organizations at Washington, D. C. He resigned from the CIO and went to New York City in early June 1949 to engage in the private practice of law, according to Confidential Informant T-1, of known reliability.

In mid-June, 1949, Confidential Informant T-2, of known reliability, advised that FRANK DONNER could be reached at New York City at Walker 7-2010.

Special Employee ROBERT E. BULLOCK checked the criminal records of the Metropolitan Police Department on June 27, 1949 concerning DONNER with negative results.

The writer on the same day reviewed the traffic record on FRANK JORIS DONNER, District of Columbia Driver's Permit No. 483-569, who was born February 25, 1911, at Brooklyn, New York, the son of SAMUEL DONNER and SOPHIE KOFFMAN of New York.

This record reflects that as of April 11, 1941, DONNER reportedly resided at 1869 Mintwood Place, N. W. It will be noted that this residence information is at variance with information previously set forth in this report which indicated that since January 1941 the DONNERS resided at 3801 W Street, S. E., Washington, D. C. DONNER subsequently reported change of address, date not shown, to 1219 Hamilton Street, N. W.

The following is FRANK JORIS DONNER's traffic record as reflected in the files of the Metropolitan Police Department::

<u>DATE</u>	<u>CHARGE</u>	<u>PRECINCT</u>	<u>DISPOSITION</u>
Oct. 10, 1941	Parked between the hours of 4 to 6	Traffic Div.	Elected to forfeit \$3
Jan. 29, 1944	Parked between the hours of 4 to 6	2nd	Warned
Sep. 30, 1944	Parked 7 to 6	Traffic Div.	Elected to forfeit \$3
Mar. 24, 1945	Parked in alley	3rd	Elected to forfeit \$3
Aug. 31, 1946	No parking any time	1st	Elected to forfeit \$3
Jan. 13, 1947	Fast auto, 35 miles	Traffic Div.	Elected to forfeit \$10
Oct. 24, 1946	Fast auto, 35 miles	10th	Elected to forfeit \$10
Jan. 29, 1947	Suspended 41553 (The above refers to the section of the District of Columbia code violated, namely, suspension of license for two convictions for speeding.)		
Dec. 11, 1946	Less than 40 ft. from intersection, on warrant.	10th	Will forfeit \$10
Apr. 24, 1947	License restored		
Nov. 28, 1947	Parked in alley	3rd	Elected to forfeit \$3
Jan. 2, 1948	Parked in alley	3rd	Elected to forfeit \$3
Jan. 2, 1948	Parked in alley	3rd	Elected to forfeit \$3
Feb. 3, 1948	Parked overtime	3rd	Elected to forfeit \$3

<u>DATE</u>	<u>CHARGE</u>	<u>PRECINCT</u>	<u>DISPOSITION</u>
Mar. 23, 1948	Parked overtime	3rd	Elected to forfeit \$3
May 19, 1948	Parked in alley	3rd	Elected to forfeit \$3
June 6, 1948	Parked in alley	3rd	Elected to forfeit \$3
June 8, 1948	Parked overtime	Traffic Div.	Elected to forfeit \$3
June 17, 1948	Parked in alley	3rd	Elected to forfeit \$3
June 30, 1948	Parked in alley	3rd	Elected to forfeit \$3
Sept. 16, 1948	Parked in alley	3rd	Elected to forfeit \$3
Oct. 7, 1948	Parked in alley	3rd	Elected to forfeit \$3
Dec. 13, 1948	Parked overtime	3rd	Elected to forfeit \$3
Dec. 30, 1948	Parking in loading zone	3rd	Elected to forfeit \$3

In his application for renewal of his driver's permit, which is dated April 9, 1947, DONNER described himself as follows:

NAME:	FRANK JORIS DONNER
Age:	38 years old (Born February 25, 1911, at Brooklyn, New York)
Residence:	1219 Hamilton Street, N. W., Washington, D. C.

Occupation:	Attorney
Height:	5' 10"
Weight:	210 pounds
Build:	Heavy
Hair:	Brown
Eyes:	Brown
Race:	White
Sex:	Male
Complexion:	Olive
Glasses:	None

ENCLOSURES:

TO THE BUREAU:

1. One positive of signature of FRANK DONNER
2. Two positives of signature of FRANK J. DONNER over his typewritten signature.
3. One positive of a signature of FRANK DONNER, the name "DONNER" being underlined in pencil.
4. One positive of signature of FRANK J. DONNER dated March 23 ____.
5. One positive of signature of FRANK J. DONNER on form denying advocacy of overthrow of the government by force and violence, etc.

The above specimens of FRANK DONNER's signatures reflect obvious variations in his signature.

6. Two photographs of FRANK DONNER

TO THE NEW YORK OFFICE:

1. Two photographs of FRANK DONNER

- P E N D I N G -

WFO - 100-2771

LEAD

NEW YORK OFFICE
At New York City, New York

Verify FRANK DONNER's present location in New York City together with his present occupation and residence and business addresses.

WFO - 100-2771

INFORMANTS

T-1. C-585

T-2. C-516

Encl. to Bureau #7

RE: FRANK DONNER, wa
FRANK JORIS DONNER;
SM-C
Bufile 100-25688

Enclosures to the Bureau:

1. One positive of a signature of FRANK DONNER;
2. Two positives of a signature of FRANK J. DONNER, over his typewritten signature;
3. One positive of a signature of FRANK DONNER--(last name being underlined);
4. One positive of a signature of FRANK J. DONNER, dated March 23rd.
5. One positive of a signature of FRANK J. DONNER, on regulation form in which he denies advocacy of overthrow of the Government by force and violence, etc.
6. 2 photographs of Frank Donner

100-25688-36

Enclosure to Bureau #1

several and, if so, we must
see to it.

Sincerely yours,

Frank Donner

Enclosure to Bureau #3



Frank Donner



Frank Donner

100-25688-36

Frank Donner, was
Frank Voris Donner

Date of photo: Unknown

Description as of 4/9/47:

38 yrs. Born 2/25/11 at
Brooklyn, N. Y.

5'10"

210 lbs.

Brown hair

Brown eyes

Race - White

Complexion - Olive

Build - heavy

Occupation - Attorney

Frank Donner, wa,
Frank Voris Donner

Date of photo: Unknown

Description as of 4/9/47:

38 yrs. Born 2/25/11 at
Brooklyn, N. Y.

5'10"

210 lbs.

Brown hair

Brown eyes

Race - White

Complexion - Olive

Build - heavy

Occupation - Attorney

100-25688-36

Enclosure to Bureau #2

yours,

Frank Donner

and to accept a position in private

Frank J. Donner
Frank J. Donner

and to accept a position in private

Frank J. Donner
Frank J. Donner

Enclosure to Bureau #4

SO HELP ME GOD.

Frank J. Donner

(Signature of Appointee)

this 23 day of March, A.D.

D.C.

(State)

Enclosure to Bureau #5

...
ization ...
and accepts em-
guilty of a felony and,
an 1 year, or both, and that
other provisions of existing law.

Frank J. Donner

that I have read and understand the fo-
Government of the United States by
ty or organization that advoc-
or violence; and that du-
not advocate nor
overthrow

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: September 26, 1949

FROM : SAC, New York

SUBJECT: FRANK DONNER, was.
SECURITY MATTER - C
(Bufile 100-25688)

Rerep of SA ROBERT E. LEONARD dated 8/18/49 at Washington, and letter of 9/9/49.

Confidential Informant [] advised that there was no subscriber listed to the telephone no. Walker 4-2010, however, Walker 5-2010 is listed for the Office of Defense Counsel, 401 Broadway, New York City.

The above number was called, under a suitable pretext, and the person answering the telephone advised that FRANK J. DONNER was employed there. b7D

The Manhattan Telephone Directory for July 1949 listed a FRANK DONNER, Attorney, 52 Broadway, New York City, telephone Whitehall 4-7754. A suitable pretext telephone call was made to the above number and from the information obtained, it could not be determined if the above is identical with the FRANK J. DONNER, who is employed at the Office of Defense Counsel.

[] advised that Whitehall 4-7754 was connected in 1947 and that the subscriber to this number is the attorney firm of Tanz and Jaffe, 52 Broadway, New York City. This informant advised that the above firm has a bank account with the Underwriters Trust Company, 50 Broadway, New York City. b

Referenced letter advised that the subject's New York address is 400 Fort Washington Avenue, New York.

In view of the above, it is recommended that the office of origin be changed from the Washington Field Office to the New York Office and that the Washington Field Office furnish the New York Office with all pertinent serials in their possession.

cc: Washington Field (100-2771)

TJH:RAS
100-11342

RECORDED - 100
INDEXED - 100

100-25688-37
F B I
37 SEP 27 1949

282
58 OCT 5 1949

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW YORK**

FILE NO. **100-2771**

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE 10-28-49	PERIOD FOR WHICH MADE 10-26-49	REPORT MADE BY ROBERT E. LEONARD REL:DAW
TITLE FRANK DONNER, wa.			CHARACTER OF CASE SECURITY MATTER - C

SYNOPSIS OF FACTS:

ADMINISTRATIVE

yes
No dissemination
Reliable and confidential informant reported in late October, 1947 that FRANK DONNER's name was in the possession of HAROLD EDGAR CLEARMAN. CLEARMAN's name was found in possession of ISRAEL HALPERIN when HALPERIN was arrested in Canada in February, 1946 in connection with the CORBY case. JUNE CLEARMAN, wife of HAROLD EDGAR CLEARMAN, was identified as secretary of her Communist Party Club at the Navy Yard, Washington, D. C. in 1945. Investigation disclosed that MR. and MRS. CLEARMAN were in contact with known Communists during the period of October, 1946 to January, 1948.

- RUC -

REFERENCE:

Bureau File #100-25688
Report of Special Agent ROBERT E. LEONARD dated August 18, 1949 at Washington, D. C.

APPROVED AND FORWARDED: <i>Chas. L. Hottel</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT ⑤ - Bureau 3 - New York (100-11342) 2 - Washington Field Office		100-25688-38 3 NOV 23 1949	RECORDED 45 INDEXED 45

COPIES DESTROYED 1-10-58

DETAILS:

AT WASHINGTON, D. C.

Confidential Informant T-1, of known reliability, reported in late October, 1947 that FRANK DONNER's name was in the possession of HAROLD EDGAR CLEARMAN.

At the time of ISRAEL HALPERIN's arrest in Canada in February, 1946 in connection with the CORBY Case, his address book and diary were examined and both reflected in part the names of "HAROLD CLEARMAN, MIT" and "HAROLD CLEARMAN, 326 Harvard, TRO 0052".

Confidential Informant T-2, of known reliability, has advised that HAROLD EDGAR CLEARMAN is possibly identical with one HAROLD described as a white engineer and member of the CIO and also described as a resident of Washington, D. C. and a member of Club W-37 in the Communist Party Ship Building Group in November, 1944. The same informant advised in early February, 1946 that HAROLD CLEARMAN's wife, JUNE CLEARMAN, then residing at 111 35th Street, S. E., Washington, D. C., was secretary of Club W-37 of the Communist Party at the Navy Yard in 1945. According to T-2, JUNE CLEARMAN was dropped from Communist Party membership in 1946.

Confidential Informant T-3, of known reliability, reported that he had ascertained during the period of October, 1946 to January, 1948 that MR. and MRS. HAROLD CLEARMAN had been in contact with known Communists. Amongst these contacts were IRVING WOLF WILNIK, HELEN SILVERMAN WILNIK, MISS SELMA FRANK, VICTOR FLEISHER, FRANCES B. JACOBSON, MYER AUERBACH and GERTRUDE EVANS, all of whom have been identified by Confidential Informant T-2 as members of the Communist Party.

HAROLD EDGAR CLEARMAN was born February 21, 1914 at Orange, New Jersey and received his Ph.D Degree as a Physicist at Princeton University. He was thereafter employed from September, 1938 to June, 1941 by WPA at MIT, Cambridge, Massachusetts. He resigned his position at Johns Hopkins University in the Applied Physics Laboratory about August, 1948 and accepted employment as a physicist instructor at the University of Toledo. His wife, JUNE CLEARMAN, was born April 29, 1920 at New York City, the daughter of MARY and SAMUEL I. HORN, both born in Russia. She is a college graduate, a physicist, and last known to be employed by the United States Government at the Naval Observatory Laboratory at Washington, D. C. in January, 1944.

Bureau letter dated October 4, 1949 to the Washington Field Office with carbon copies to New York authorized the designation of New York as the office of origin in this case.

- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN -

WFO 100-2771

INFORMANT PAGE

T-1 is an anonymous source.

T-2 is [REDACTED]

T-3 is a list of calls placed from the CLEARMAN residence at 111 35th Street, Washington, D. C., at the Greenway Apartments for the period of October 28, 1946 to January 23, 1948 as made available by [REDACTED] of the Greenway Apartments. b7D

cc -

100-256881

October 4, 1949

Special Agent in Charge
Washington FieldRe: FRANK DONNER, was
SECURITY MATTER - C
Your file 100-2771

Dear Sir:

New York

September 26, 1949

Reference is made to your letter of /XXXX
requesting that the division of origin be changed in the above en-
titled case.

New York

You are hereby authorized to designate _____
as the division of origin.Upon receipt of this communication, you are requested to
carefully check your file and make certain that the new division of
origin has all serials in the case containing important data.

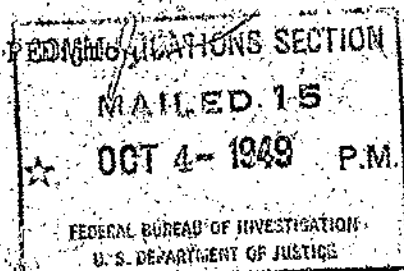
Very truly yours,

J. E. Hoover
John Edgar Hoover
Director

cc - New York (100-11342)

RECEIVED DE 1021
F. B. I.
RECEIVED NEW YORK
OCT 4 15 05 PM '49

Mr. Tolson	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Egan	_____
Mr. Gurnea	_____
Mr. Harbo	_____
Mr. Mohr	_____
Mr. Pennington	_____
Mr. Quinn Tamm	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____



OCT 5 1949



United States Department of Justice
Federal Bureau of Investigation



IN REPLY, PLEASE REFER TO
FILE No. 100-2771

Director, FBI

October 28th 1949 *103-1*

①
Re: FRANK DONNER, wa.
SM - C
(Bufile 100-25688)

Dear Sir:

The captioned individual, the subject of a Security Index card heretofore maintained at this office, has moved to an address within another Field Division. The Bureau is requested to correct the Security Index card maintained at the Seat of Government, and the Field Division for which copies hereof are designated below is requested to prepare for inclusion in its Security Index card file a Security Index card captioned as follows and bearing the appropriate case file number:

DONNER, FRANK ① NATIVE BORN COMMUNIST
wa., Frank Joris Donner

400 Fort Washington Avenue, NYC

*Transferred 11-7-49
RTH*

Attorney

The following copies of serials containing important information concerning the subject are being forwarded to the Field Division covering subject's new address, together with its copies of this letter:

Report of SA EDWARD F. HUMMER at Washington, D. C. dated August 9, 1948

Security Index Card on FRANK DONNER

RECORDED - 124 100-25688-39

EX-121

3 NOV 1 1949

In view of the fact that the New York Field Division has verified the present residence of the subject in its Division, this office is considering New York as the new office of origin, and this case is being RUC'd to that office with the submission of this communication.

Very truly yours,
Guy Hottle
GUY HOTTE
SAC

106
cc: New York (100-11342) Field Division (Enc.)

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: March 22, 1950

FROM : SAC, New York

SUBJECT: FRANK DONNER, wa.
SECURITY MATTER - C

SI CD UTD
3-31-50
my

4-1

It is recommended that a Security Index Card be prepared on the above captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

RACE _____ SEX _____ NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

RESIDENCE ADDRESS _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

Tanz and Jaffe

52 Broadway, New York, N. Y.

NATURE OF INDUSTRY OR BUSINESS (Specify from Strategic and Vital Industry List)

EVC:mat
100-11342

125-
10 APR 3 1950

RECORDED - 59
EX-93
1-98

1100-25688-40
MAR 23 1950
FIVE

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT **NEW YORK**

NY FILE NO. 100-11342 JDE

REPORT MADE AT NEW YORK	DATE WHEN MADE 3/31/50	PERIOD FOR WHICH MADE 12/19/49; 3/13/50	REPORT MADE BY EDWARD U. CRIM
TITLE FRANK DONNER, wa.			CHARACTER OF CASE SECURITY MATTER - C

SYNOPSIS OF FACTS:

Subject resides at Apartment 6D, 400 Fort Washington Avenue, New York City. Employed at Tanz and Jaffe, Lawyers, 52 Broadway, New York City. Attended Ninth Convention of the National Lawyer's Guild at Chicago in 1949. Signed Communist Party Nominating Petition for EARL BROWDER for Congress in 1940. No record of birth in New York City.

AGENCY *Photos - CIA*

REQ. REC'D

DATE FORW. *8-27-59*

HOW FORW.

BY *COHE*

DETAILS:

Mrs. H. ARZT, wife of superintendent at 400 Fort Washington Avenue, stated on December 19, 1949, that subject was a resident of Apartment 6D at this address. Mrs. ARZT was unable to furnish any information regarding subject other than the fact that he had moved there approximately one year ago, coming from Washington, D. C.

Confidential Informant T-1, of known reliability, advised on December 19, 1949, that FRANK J. DONNER is employed by the firm of Tanz and Jaffe, 52 Broadway, New York City, and that he resides at 400 Fort Washington Avenue, New York City. Tanz and Jaffe are lawyers.

The "Daily Worker," an East Coast Communist newspaper, of February 22, 1949, page 11, column one, carries an article under the heading of "Lawyer's Guild Parley Warned on Civil Rights," under Detroit dateline of February 21. This article states that FRANK J. DONNER,

APPROVED AND FORWARDED:

Edward Schacht

DO NOT WRITE IN THESE SPACES

COPIES OF THIS REPORT

- 5 - Bureau
- 3 - New York

COPY IN FILE

APR 3 1950

RECORDED

65 APR 17 1950

COPIES DESTROYED 7-10-58
P-220

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: August 24, 1950

FROM : SAC, New York

SUBJECT: FRANK DONNER, wa.
SECURITY MATTER - C
Bufile 100-25688

S. L. Card HTO
9-8-50 RH

It is recommended that a Security Index Card be prepared on the above captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

RACE _____ SEX _____ NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

RESIDENCE ADDRESS _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

Lawyer

55 West 42nd Street, NYC

NATURE OF INDUSTRY OR BUSINESS (Specify from Strategic and Vital Industry List)

GHL:mat
100-11342

55 SEP 22 1950

RECORDED - 127

EX-55

100-25688-42
SEP 26 1950
A. E. Leonard

NY 100-11342

ADMINISTRATIVE PAGE

SE GERARD M. LENAHAH and SE GEORGE W. MADISON checked the records of the Bureau of Vital Statistics.

SE GERARD M. LENAHAH checked the records of the Credit Bureau of Greater New York.

SA AUGUST J. MECER checked the records of the New York City Police Department.

SE CLINTON E. POLLOCK checked the records of the Board of Elections for the years 1948 and 1949.

Associate General Counsel of the Congress of Industrial Organizations, led a panel discussion on the Taft-Hartley Bill at the Ninth Convention of the National Lawyer's Guild.

It will be noted that according to Confidential Informant T-2, of known reliability, DONNER was employed as Assistant General Counsel with the Congress of Industrial Organizations from early in 1945 to about June 1949.

The National Lawyer's Guild has been cited as a Communist Front Organization by the Special Committee on Un-American Activities, United States House of Representatives by report of March 29, 1944, page 149.

Confidential Informant T-3, of known reliability, advised that FRANK J. DONNER, 122 West Thirteenth Street, New York City, signed a Communist Party Nominating Petition for EARL BROWDER for Congress, Fourteenth Congressional District, March Special Election of 1940, page 98.

Confidential Informant T-13, of unknown reliability, advised in August of 1941 that subject resided at 122 West Thirteenth Street, New York City, prior to his moving to Washington, D. C., in 1940.

Confidential Informants T-4, T-5, T-6, T-7, T-8, T-9, and T-10, all of known reliability, who are conversant with Communist activities in the New York area, advised that subject is unknown to them.

Confidential Informants T-11 and T-12, both of known reliability, could furnish no additional information concerning the subject.

A check of the Bureau of Vital Statistics, New York City, failed to reflect a record of the birth of FRANK DONNER on February 25, 1911, at Brooklyn, New York.

The records of the Credit Bureau of Greater New York, the New York Police Department, and the Board of Elections, New York, make no reference to the subject.

- C L O S E D -

CONFIDENTIAL INFORMANTS

The Confidential Informants mentioned in the report of SA EDWARD U. CRIM at New York, dated MAR 31 1950 are identified as follows:

- T-1 Pretext phone call to Tanz and Jaffe, 52 Broadway, (Telephone Whitehall 4-7754) by SA EDWARD U. CRIM.
- T-2 Informant C-585 as set forth in the report of SA ROBERT E. LEONARD, dated October 28, 1949, at Washington, D. C.
- T-3 Bureau of Special Services and Investigation, New York City Police Department, checked by SA ROBERT W. CARNES.
- T-4 [REDACTED], checked by SA CHARLES F. HEINER.
- T-5 [REDACTED], checked by SA CHARLES F. HEINER.
- T-6 [REDACTED], checked by SA CHARLES F. HEINER.
- T-7 [REDACTED], checked by SA CHARLES F. HEINER. b7D
- T-8 [REDACTED], checked by SA EDWARD W. BUCKLEY.
- T-9 [REDACTED], checked by SA EDWARD W. BUCKLEY.
- T-10 [REDACTED], checked by SA EDWARD W. BUCKLEY.
- T-11 G2, checked by SA JOHN J. DIXON.
- T-12 Office of Naval Intelligence, checked by SA JOHN J. McKENNA.
- T-13 Mrs. GEORGE EVALENKO, 325 Central Park West, Apartment Six South, as set forth in the report of SA L. O. PRIOR, dated August 13, 1941, at New York City.

NY 100-11342

REFERENCES

Bureau file 100-25688.

Report of SA ROBERT E. LEONARD, October 28, 1949, at Washington, D. C.

4-10-52 at

RET:MZM

Letter to Director
NY 100-11342

Report of SA M.C. CLEMENTS made at Washinton, D.C.,
10/3/41.

Reports of SA L.O. PRIOR at New York, 9/30/41 and
8/13/41.

Report of SA C.C. ORTON at Washington, D.C.,
6/23/41.

Bulet to Washington Field dated 5/14/41.

1 photograph of FRANK DONNER received from Washington
Field with report of SA ROBERT E. LEONARD, dated 8/18/49.

b7D

It will be noted that [] of known reliability,
advised that FRANK J. DONNER was active on behalf of the
defense of the Communist Party during 1949, 1950 and
January 1951. ✓

New York will prepare a summary report on this
subject in the near future.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (100-25688)

DATE: April 4, 1952

FROM : SAC, New Haven (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER (C)

Re: New York Form letter, FD-128 dated 4-3-52 changing office of origin to New Haven.

The subject of this case is on the Security Index. Unless otherwise advised the New York Office will be expected to prepare a summary report on this subject's background and activities.

MET/nk

cc: New York (100-11342)

RECORDED-137

EX. - 106

100-25688-44
APR 5 1952

RECEIVED

F98
64 APR 9 1952

SAC, Baltimore

May 6, 1952

Director, FBI (100-25668)

FRANK JORIS DONNER
SECURITY MATTER - C

Relet from Washington Field Office May 1, 1952, entitled "CP, USA - Brief, IS-C," indicating that one Donner (presumably Frank Donner of New York) is to be one of the attorneys handling the defense appeal in the Baltimore Smith Act case.

It appears that this individual is probably identical with Frank Joris Donner who resides in South Norwalk, Connecticut, and is an attorney in New York City. Bureau files reflect that Donner was born February 25, 1911, at Brooklyn, New York, the son of Sam Donner and Sophie Koffman Donner. His father was a native of Austria. Donner received A.B. and M.A. degrees from the University of Wisconsin completing his courses at that university in 1934. He received a law degree from Columbia University in 1937 and became a member of the New York Bar in 1938. He has been married twice, his second wife being Madeline Jaffe whom he married on November 15, 1940.

Donner was a police reporter for the Newark, New Jersey, "Star-Eagle" in 1930 and 1931. From 1937 to 1940 he was a research assistant to Professor Julius Goebel at Columbia University Law School. From March 1940 to January 1945 he was an attorney for the National Labor Relations Board in Washington, D. C. Thereafter he was Assistant General Counsel for the CIO in Washington, D. C., from 1945 to 1949. He resigned that position to become an attorney in the firm of Tans and Jaffe, New York City.

Donner traveled to the Soviet Union in 1938. In 1940 Frank J. Donner, 122 West 13th Street, New York City, signed a Communist Party nominating petition for Earl Browder who was a candidate for Congress from the Fourteenth Congressional District in the March.

cc - SAC, New Haven (100-14085)

VHR:rdm

RECORDED - 82

MAY 10 1952

COMM - FBI

MAY - 6 1952

MAILED 27

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Mohr _____
Tele. Rm. _____
Nease _____
Gandy _____

66 MAY 20 1952

special election. In 1940 and 1941 he attended meetings and made a contribution to the Washington Committee for Democratic Action. He was also in correspondence with the National Federation of Constitutional Liberties. Both of these organizations have been cited by the Attorney General as Communist, within the purview of Executive Order 9835. The "Daily Worker" of February 22, 1943, page 11, column 1, reflected that Frank J. Donner, Associate General Counsel of the CIO, led a panel discussion on the Taft-Hartley Bill at the Ninth Convention of the National Lawyers Guild at Detroit, Michigan. From 1949 to 1951, according to [redacted] Donner was active in the defense of the Communist Party. He has been reported by several reliable sources as pro-Communist in his views. No information has been developed reflecting membership in the Communist Party.

The above is furnished for your information. If additional details regarding Donner are needed they should be secured from the New Haven Office which is presently office of origin in this matter.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)
FROM : SAC, NEW HAVEN (100-14085)
SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

DATE: July 24, 1952

Re Form 0-1 from Bureau dated July 10, 1952, requesting advice as to the status of the captioned case.

For the information of the Bureau, the New Haven Office has verified the subject's current place of residence, Dock Road, Village Creek, South Norwalk, Connecticut. The subject is employed as an attorney in New York City, and it is expected that the New York Office will verify subject's employment.

All logical investigation has been completed by this office. This case is being kept in a pending status awaiting the preparation and submission of a summary report by the New York Office.

The New York Office is requested to expedite the submission of a summary report in this matter.

MCD:rz

2 - New York (100-11342)

RECORDED - 62 / 100-25688-46

JUL 28 1952

EX-13

68 AUG 4 1952

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: September 29, 1952

FROM : SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

ORIGIN: NEW HAVEN

Re New Haven letter to the Bureau dated July 24, 1952.

Inquiry by this office discloses that the captioned subject continues to reside on Dock Road, Village Creek, South Norwalk, Conn. and is employed as an Attorney in New York City.

No information of a subversive nature concerning the subject has been reported to this office since the subject moved to Connecticut from New York City.

This case is being maintained in a Pending status awaiting the preparation of a Summary Report by the New York Office. However, in view of Bureau instructions set out in SAC Letter #85 dated Sept. 3, 1952 concerning the delay in the submission of Summary Reports, it is assumed that the New York Office will not submit a Summary Report in this case until after January 1, 1953.

In view of the above, this case will be placed in a closed status in the New Haven Office.

MCD/mc
cc: 1 - New York

RECORDED - 49

EX-32

100-25688-47

10 OCT 1 1952

51 OCT 10 1952

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

39111

ORIGINATED AT

NEW HAVEN

FILE NO.

CDB

MADE AT:

NEW YORK

DATE WHEN MADE:

SEP 21 1953

PERIOD FOR WHICH MADE:

6/26, 27, 28, 31;
9/2, 3, 4, 8, 9, 10,

REPORT MADE BY:

WILLIAM M. BAYARD, JR.

TITLE:

FRANK JORIS DOMER

Classified by

Exempt from GDS, Category

Date of Declassification Indefinite

CHARACTER OF CASE:

SECURITY MATTER - C

Synopsis of Facts:

CLASSIFIED BY 5438
EXEMPT FROM GDS CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE

Subject resides Dock Road, Village Creek, South Norwalk, Connecticut; maintains legal office 104 East 40th Street, New York City. Reliable informants advise subject contacted regularly 1950, 1952 by CP members relative to legal defense of subversive groups; signed 1940 OPIF for EARL BROWDER; has been connected with CP Front organizations, 1941- present, in Washington, D.C. and New York City, and is presently a voting member of the National Lawyers' Guild, New York City Chapter. Reliable informants advise subject has been in contact with numerous CP members and sympathizers, 1941- present; former law partners BERNARD JAFFE and AL TANE, and present law partners, ARTHUR KIMOY and MARSHALL PERLIN, all of New York City, identified by reliable informants as connected with subversive movements. Public sources reflect subject received passport for travel to Europe and U.S.S.R., 1938. Reliable informant stated subject's wife registered ALP, 1950 elections, New York City. Reliable informant advises subject received 13 checks totaling fifty-five hundred dollars, 1952-1953 from JOHN T. MC TERNAN, attorney praised by the "Daily Worker" for defending fifteen Smith Act subjects, New York City, 1952. (a)

DETAILS:

Unless otherwise stated, all confidential informants referred to herein are of known reliability.

BACKGROUND

Birth Data

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF CLASSIFICATION
DATE 9-23-83
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

APPROVED AND
FORWARDED:

SPECIAL AGENT
IN CHARGE

RECORDED AND INDEXED:

COPIES OF THIS REPORT FURNISHED TO:

- 5 - Bureau (100-25603) (Registered Mail)
- 2 - Washington Field (100-2771) (RM)
- 3 - New Haven (100-11005) (RM)
- 2 - New York (100-11542)

100-25603-42
BUREAU OF INVESTIGATION
This confidential report and
contents are loaned to you by
FBI and are not to be distributed
outside of agency to which loaned

ROUTED TO:

FILE

COPY IN FILE

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NY 100-11342

The records of the Passport Division, United States State Department, Washington, D.C. as reviewed in 1949 reflect that the subject filed an affidavit of birth, stating that he was born on February 25, 1911 at Brooklyn, New York. (u)

The Birth Records of the Board of Health, New York City, as reviewed by SE GERARD M. IENAHAN in 1950, contained no record of the subject's birth (u) in Brooklyn, New York on February 25, 1911.

Citizenship

The subject is a citizen of the United States by reason of his (u) birth.

Education

The records of the National Labor Relations Board, Washington, D.C. as reviewed in June, 1941, reflected that the subject attended Barringer High School and West Side High School, Newark, New Jersey from 1925 to 1929.

The records of this agency were again reviewed on June 28, 1949 and reflected that the subject had attended the University of Wisconsin, 1929-1930 and 1931 to 1934. DONNER received a Bachelor of Arts Degree and Master of Arts Degree from the University of Wisconsin where he was a member of the Phi Beta Kappa. These records also reflected that the subject attended Columbia University Law School, New York City from 1934 to 1937, at which time he received a Bachelor of Laws Degree.

T-1 advised in September, 1941 that the subject owes Columbia University for his 1937 fees.

Marital Status

T-2, of unknown reliability, but familiar with various activities of the subject, stated in September, 1941 that the subject had married a girl whose name the informant did not know while the subject attended the University of Wisconsin. The informant stated that the subject was still married to this person at his first year of attendance at Columbia, but that during this year his wife became infatuated with another man and subsequently divorced the subject.

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The records of the National Labor Relations Board, reflected that the subject married MADELINE JAFFE on November 15, 1940 at Washington, D.C.

Military Service

The records of the National Labor Relations Board reflect that the subject registered during World War II with Selective Service Local Board 11, 2005 15th Street, Northwest Washington, D.C. The subject was deferred at the request of the National Labor Relations Board as a necessary employee.

Criminal Record

On June 27, 1949 SA ROBERT E. LEONARD reviewed the subject's traffic record, Washington, D.C., which reflected that the subject, who possessed Driver's Permit Number 483-569, had been cited for twenty-four traffic violations from October 10, 1941 to December 30, 1948.

On June 27, 1949 SE ROBERT E. BULLOCK reviewed the criminal records of the Metropolitan Police Department, Washington, D.C. and advised that they contain no record of the subject.

Employment

The records of the National Labor Relations Board reflected that the subject was employed on a scholarship at Columbia University from 1937 to 1940 in which capacity he served as an Assistant to Professor JULIUS GOEBEL in Legal History.

The same records reflected that the subject was employed as a Police Reporter on the Newark, New Jersey "Star - Eagle" from 1930-1931. These same records reflected that the subject was admitted to the New York Bar in March, 1938.

The records of the National Labor Relations Board reflected that the subject began employment with the National Labor Relations Board, Washington, D.C. on March 22, 1940 as an Assistant Attorney, Grade P-2, twenty-six hundred dollars per annum, in the Litigation Enforcement Section, Legal Division.

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On July 1, 1941 the subject was promoted to Associate Attorney, Grade P-3, thirty-two hundred dollars per annum. He was promoted to Grade P-4, thirty-eight hundred dollars per annum on September 1, 1941. The subject was promoted to Senior Attorney (Supervisor) Grade P-5, forty-six hundred dollars per annum on August 15, 1942 and received his final promotion to Principal Litigation Attorney (Supervisor), Grade P-6, fifty-six hundred dollars per annum on January 11, 1943.

The subject's resignation from the National Labor Relations Board was effective as of January 20, 1945.

T-3 advised in 1949 that the subject, after resigning from the National Labor Relations Board was employed as Assistant General Counsel with the Congress of Industrial Organizations (CIO), Washington, D.C. According to this informant the subject resigned from the CIO in June, 1949 to engage in private law practice in New York City.

T-4, of unknown reliability, but familiar with various phases of the subject's activities, advised in September, 1949 that the subject was employed at the Office of Defense Counsel, 401 Broadway, New York City as of that date.

T-5, of unknown reliability, but familiar with various phases of the subject's activities, advised on December 19, 1949 that the subject was employed as of that date with the law firm of TANZ and JAFFE, 52 Broadway, New York City.

T-6 advised on August 7, 1950 that the subject moved his law office to 55 West 42nd Street, New York City, telephone LOngacre 4-1376.

T-7, of unknown reliability, but familiar with various phases of the subject's activities, advised on September 2, 1953 that the subject had been employed from approximately November, 1951 to the present at 104 East 40th Street, New York City, telephone ORegon 9-2120.

The Manhattan 1953 Telephone Directory reflects that the law offices of DONNER, KINOY and PERLIN are located at the above address.

Residence

The records of the National Labor Relations Board reflect that the subject, while attending Columbia University, 1937 to 1940, resided at Kent Hall, Columbia University.

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The records of the Passport Division, Department of State, reflect that the subject resided at 63 West 70th Street, New York City as of June 29, 1939.

T-8, of unknown reliability, but familiar with various phases of the subject's activities, advised in July, 1941 that the subject had resided during 1937 to 1941 on West 70th Street, near Central Park West, New York City, and had later moved to 122 West 13th Street, New York City, where he resided until his departure to Washington, D.C.

T-1 advised that his records reflect the subject maintained a permanent address as of September, 1941 at 143 West 87th Street, New York City.

T-9 advised in June, 1941 that the subject had resided for approximately eight months during 1940 at 3620 16th Street, Northwest, Apartment 702, Oaklawn Terrace Apartments, Washington, D.C.

T-10 advised in June, 1941 that the subject moved on October 1, 1940 to Apartment Number 1, 2201 15th Street, Northwest, Washington, D.C.

The records of the National Labor Relations Board reflect that the subject had stated, when applying for employment therewith, that he maintained a permanent residence in the State of New Jersey.

The records of the National Labor Relations Board reflected that the subject and his wife had resided at 1869 Mintwood Place, Northwest, Washington, D.C. from the time of their marriage until January, 1941, at which time they moved to 3801 W. Street, Southeast, Washington, D.C.

The Metropolitan Police Department, Washington, D.C. furnished the traffic record of the subject, previously referred to, which reflected that the subject had resided as of April 9, 1947 at 1219 Hamilton Street, Northwest, Washington, D.C.

T-11 advised on December 19, 1949 that the subject had at that time resided at 400 Fort Washington Avenue, Apartment 6D, New York City.

T-12 advised in November, 1951 that the subject had moved during that month from 400 Fort Washington Avenue, New York City to Dock Road, Village Creek, South Norwalk, Connecticut, where the subject currently resides.

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SYMPATHIES WITH SUBVERSIVE MOVEMENTS

Activities indicating regular support of
subversive organizations.

T-13 advised in April, 1946 that a HARRIET BOUSLAG had requested the subject to prepare a legal brief concerning the attempt by the House Committee on Un-American Activities to subpoena the records of the Joint Anti-Fascist Refugee Committee.

The Joint Anti-Fascist Refugee Committee has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-14 advised on April 9, 1951 that FRANK J. DONNER, Attorney, had been hired by EUGENE WALLACH to seek the latter's re-employment with the United Nations, with which the subject had previously been employed as a speed typist. The informant stated that DONNER was successful in this attempt and that WALLACH was rehired shortly after his termination in November, 1949. The informant stated that WALLACH had paid DONNER approximately two hundred and fifty dollars to five hundred dollars for his services.

T-15 advised in 1951 that he knew EUGENE WALLACH to be a member of the Communist Party during 1939, and that while waiting for reinstatement in the United Nations, WALLACH was employed by the New York State Headquarters of the Communist Party.

T-6 advised on August 30, 1950 that ABE ISSERMAN, a Communist Party defense attorney had told GEORGE CROCKETT, another Communist Party defense attorney in Detroit, Michigan on August 30, 1950 that ISSERMAN was sending CROCKETT a copy of a Circuit Court decision relating to the defense of the Communist Party. ISSERMAN suggested that CROCKETT review the decision and mail his comments on it to FRANK'S Office, 55 West 42nd Street, New York City. ~~2~~

T-6 advised on August 8, 1950 that JOE BRANDT, of National Communist Party Headquarters, had conferred on that date with FRANK DONNER, Attorney, concerning two motions on which DONNER was working for the Circuit Court of Appeals. ~~2~~

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T-6 advised on August 15, 1950 that A. J. ISSERMAN planned to confer with FRANK DONNER at the latter's office about noon on August 15, 1950.

T-6 advised on August 21, 1950 that JOE BRANDT had arranged to meet FRANK on August 22, 1950 at the latter's office, 55 West 42nd Street, New York City.

T-6 advised on August 30, 1950 that the subject on that date had conferred with MARION BACHRACH, Public Relations Director, Communist Party, USA, relative to the defense of "BRIDGES". The informant also advised at this time that DONNER had given the address of a lawyer whom DONNER and BACHRACH might approach on this subject. The lawyer was identified as HUGH D. MC LELLAN, a member of the Supreme Court Advisory Committee on Criminal Rules. According to the informant MC LELLAN practiced law in Massachusetts and was formerly a Federal Judge either in Boston or in Springfield.

T-6 also advised on August 30, 1950 that FRANK DONNER had conferred with JOE BRANDT of National Communist Party Headquarters on that date. At that time DONNER furnished the following names to BRANDT without mentioning the purpose therefore:

CHARLES P. TAFT, First National Bank Building,
Cincinnati, Ohio

O. G. HARRISON, Packard Building
Philadelphia, Pennsylvania

CHARLES B. RUGG, 50 Federal Street,
Boston, Massachusetts

JAMES M. LANDIS, 917 15th Street,
Northwest Washington, D.C.

T-6 advised on September 13, 1950 that on that date the subject had conferred with JOE BRANDT of National Communist Party Headquarters, relative to

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a bail which had been ordered for Monday at 2:30PM. The informant did not know for whom bail was being set. ~~X~~

T-6 on September 20, 1950 advised that the subject had again contacted JOE BRANDT and requested that BRANDT furnish a stenographer to DONNER for approximately two days work. The informant indicated that this work dealt with a Communist Party legal brief. The informant further stated that the stenographer selected by BRANDT was ROSE CLINTON. ~~X~~

T-16 advised on October 4, 1950 that the subject had informed one ARNOLD JOHNSON that the "Jacksonville Ordinance had been set aside". DONNER advised JOHNSON that he desired a copy of the Ordinance and the decision so that they could "put out the fire" on other ordinances. The informant did not know the meaning of the "Jacksonville Ordinance" and its pertinency to this matter.

T-16 advised on October 11, 1950 that personnel from the Civil Rights Congress had attempted to contact FRANK DONNER at 55 West 42nd Street, New York City to ask his presence at a meeting on the MC CARRAN Act at the Civil Rights Congress Headquarters, New York City during that month.

The Civil Rights Congress has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-17 advised on November 27, 1950 that the subject and ARTHUR KINOY, both of 55 West 42nd Street, New York City, assisted by MILTON SCHILBACK, 70 Pine Street, New York City were attorneys for the International Workers Order, as of that date.

The International Workers Order has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-6 advised on January 2, 1951 that BETTY GAMNETT, National Educational Director, Communist Party, USA, and CARL WINTER, Chairman of District Number 7, Communist Party, USA, had expressed a desire to confer with FRANK, whom the informant believed to be the subject, and JOHN, whom the informant believed to be JOHN ABT, Chief Counsel, Progressive Party, on January 3, 1951. ~~X~~

T-18 advised in May, 1951 that the subject had been contacted by DAVID REIN on May 9, 1951 relative to liquidation proceedings against the International Workers Order.

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T-19 advised on June 26, 1951 that he had known DAVID REIN, lawyer in Washington, D.C., in 1944 as a Communist, and that Mr. REIN was an associate of Doctor ALBERT BLUMBERG who at that time was an organizer of the Maryland - District of Columbia, director of the Communist Party.

T-6 advised on June 12, 1951 that MARION BACHRACH had informed the subject that KATHY FLYNN, sister of ELIZABETH GURLEY FLYNN had raised enough cash to post bond for ELIZABETH GURLEY FLYNN. ~~X~~

T-6 advised on June 18, 1951 that the subject had been in contact on that date with ELIZABETH GURLEY FLYNN, Chairman, Women's Commission, Communist Party, USA. ~~X~~

The New York Times, issue dated August 26, 1951, Page 1, Column 6, printed an article concerning attempts of the Secretary-General of the United Nations, TRYGVE LIE to dismiss certain employees of the United Nations Secretariat.

Among the employees in question were three Americans:

MARY JANE KEENEY

BENEDICT S. ALPES

Doctor MONIKA KEHOE

The New York Times, issue of September 5, 1951 contained an article which reflected that FRANK J. DONNER, attorney, had been retained as a legal counsel for the above mentioned employees of the United Nations.

T-20 advised in 1951 that MARY JANE KEENEY and her husband were both members of the Communist Party and had been active in the Communist Party Underground, Washington, D.C. in the late 1930's and early 1940's.

T-21 advised in May, 1952 that MARION BACHRACH had planned a meeting which was "quite important" at the office of FRANK DONNER, 101 East 40th Street, New York City during the early part of May, 1952.

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T-22 advised on May 31, 1952 that one JUSTIN GRAY had advised WALTER BERNSTEIN that GRAY had been in contact with one of Mr. BERNSTEIN'S lawyers, Mr. DONNER, of Norwalk, Connecticut. The date of this contact was reported to have been May 30, 1952.

T-23 advised on June 7, 1950 that he had previously known JUSTIN GRAY as a member of the HOWARD FAST Club, Communist Party, USA, in New York City.

T-15 advised on October 24, 1951 that he believed WALTER BERNSTEIN to be a member of the Communist Party, USA because of the fact that BERNSTEIN had attended a Communist Party meeting in New York City in 1945.

Espousal of the Communist Party Line

T-24, of unknown reliability, but familiar with various phases of the subject's activities, advised on November 23, 1940 that he had been in conversations several times with the subject and stated that through these conversations he believed the subject to be in sympathy with the Communist movement and everything that is a part of it.

T-25, of unknown reliability, but familiar with various activities of the subject, advised in July, 1941 that he had been in several conversations with the subject previous to that date and that the subject had consistently defended the U.S.S.R. The informant further advised that the subject made every effort to listen to speeches of EARL BROWDER and other Communist functionaries.

Communist Party Nominating Petition

The records of the Bureau of Special Services and Investigation, New York City Police Department, as reviewed by SA ROBERT W. CARNES, reflect that the subject signed a Communist Party Nominating Petition for EARL BROWDER for Congress, 14th Congressional District, March special election of 1940.

T-19 previously referred to, advised that EARL BROWDER was formerly General Secretary of the Communist Political Association and Communist Party, USA.

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MEMBERSHIP IN, OR SYMPATHY FOR,
FRONT ORGANIZATIONS.

As previously reported, T-4 advised in September, 1949 that the subject was employed at the Office of the Defense Counsel, 401 Broadway, New York City as of that date.

The "Daily Worker", issue of September 12, 1952, Page 5, Column 5, contains an article which reflects that the Citizens Emergency Defense Conference maintains its headquarters at 401 Broadway, New York 13, New York.

The "Daily Worker" is an East Coast Communist newspaper.

T-26 advised in 1941 that the subject had received several communications from the National Federation of Constitutional Liberties, 1410 H. Street, Northwest Washington, D.C.

The National Federation of Constitutional Liberties has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-18 advised in 1948 that FRANK DONNER was a member of the Executive Board of the National Lawyers' Guild, Washington, D.C. Chapter.

The "Daily Worker", issue of February 22, 1949, Page 11, Column 1, contains an article entitled, "Lawyers' Guild Parley Warned on Civil Rights", under Detroit dateline of February 21, 1949. The article reflected that the subject had led a planned discussion on the TAFT-HARTLEY Bill at the 9th Annual Convention of the National Lawyers' Guild.

T-27 advised on June 8, 1951 that the subject was a member of the National Lawyers' Guild as of June, 1951.

The "Daily Worker", issue of May 27, 1953, Page 8, Column 3, contained an article which reflected that FRANK DONNER had been elected as one of the board members of the National Lawyers' Guild, New York Chapter on May 26, 1953.

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The National Lawyers' Guild has been cited by the House Committee on Un-American Activities as a Communist Front organization.

T-13 advised in June, 1945 that the subject had recently appeared at the Office of the National Council of Negro Women to make preparations for protesting segregation in the Armed Forces.

The National Negro Women's Council has been cited by the California Committee on Un-American Activities as "among the Communist Front organizations for racial agitation".

T-28 advised on November 3, 1947 that the subject had been requested to make a speech at a meeting of the Progressive Citizens of America on November 14, 1947, and that the subject had accepted the invitation but later had found it necessary to decline due to business affairs which necessitated a trip out of town on that date.

The Progressive Citizens of America was cited by the California Committee on Un-American Activities as a "new and broader Communist front for the entire United States", which was formed in September, 1946 at the direction of "Communist steering committees".

T-29 advised that at several times prior to 1948 FRANK DONNER, Washington, D.C. was active in the Washington Bookshop. On March 19, 1945 the subject reportedly gave SYLVIA BEITSCHER a check believed by the informant to be for books purchased from the Washington Bookshop.

On March 7, 1947, according to the informant, the subject spoke at the Washington Bookshop on the subject of anti-labor legislation. Shortly thereafter the subject was the recipient of a gift from the Washington Bookshop which, according to the informant, caused the subject to be very emotionally pleased, especially by the inscription thereon, which was unknown to the informant. The informant also advised that on July 14, 1947 ESTAR PASKOFF, Communist Party member and manager of the Washington Bookshop, had stated that the subject was a speaker at a picnic sponsored by the Washington Bookshop at which approximately one hundred persons were present.

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The Washington Bookshop has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-30 advised that the subject's name appeared in connection with the Washington Committee for Democratic Action during or prior to 1941.

The Washington Committee for Democratic Action has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

MISCELLANEOUS ACTIVITIES INDICATING
FURTHERANCE OF SUBVERSIVE MOVEMENTS

Associates

The records of the National Labor Relations Board reflect that the subject collaborated with ISADOR POLIER in writing "Status and Rights of Injured Relief Workers", which was published in the Columbia Law Review, April, 1936.

T-31 advised in April, 1943 that SHAD POLIER, who was also known as ISADOR POLIER, was born March 18, 1906 at Aiken, South Carolina and received his Bachelor of Laws and Master of Laws at Harvard Law School. On March 26, 1937 POLIER married JUSTINE WISE TULIN in New York City.

The "New York Guild Lawyer", May, 1949 reflects that Justice JUSTINE POLIER of the Domestic Relations Court, and her husband, SHAD, were both members of the National Lawyers' Guild.

T-25 advised in July, 1941 that the subject had been engaged to marry ALLA EVALENKO, 225 Central Park West, New York City in 1939.

T-32 advised on January 3, 1947 that ALLA EVALENKO, 17 East 97th Street, was a member of the HERMAN BOTTSCHER Club, Communist Party, USA, which had headquarters at 350 East 85th Street, New York City.

The informant did not know if the two ALLA EVALENKOS were identical with one another.

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The records of the National Labor Relations Board reflect that the subject listed MARK LAUTER, National Labor Relations Board, New York City, and MARY DUBLIN, General Secretary, National Consumers League, 156 5th Avenue, New York City as references when he applied for the position with the National Labor Relations Board.

The New York World Telegram, issue of February 15, 1941 contained an article which reflected that MARK LAUTER, attorney with the National Labor Relations Board was a speaker at a Labor Panel of "The New York Conference for Inalienable Rights", no date given.

The New York Conference for Inalienable Rights has been cited by the House Committee on Un-American Activities as a Communist Front organization.

The personnel records, Office of Civilian Defense, Washington, D.C., reflect that MARY DUBLIN, an employee thereof, was former General Secretary of the National Consumers League, New York City.

The Congressional Record, February 6, 1942, Page 1133 to 1134, reflect that MARY DUBLIN of the Office of Civilian Defense was a speaker for the Consumers Union, 1938 and a signer of an open letter opposing Alien Registration, which letter was sponsored by the American Committee for Protection of Foreign Born.

The Consumers Union has been cited by the House Committee on Un-American Activities as a Communist Front organization.

The American Committee for Protection of the Foreign Born has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-33 advised on December 3, 1945 that an unidentified man driving a 1941 two-door Studebaker Sedan, bearing 1945 District of Columbia license number 99-859, visited the residence of SOLOMON AARON LISCHINSKY, 2002-B Fort Davis Street, Fairfax Village, Washington, D.C., on that date. Informant advised that this car was also observed in the vicinity of 3810 W Street, South East, Washington, D.C. Subsequent inquiry at the Metropolitan Police Department, Washington, D.C. reflected that the vehicle described above was the property of one MADELINE DONNER, no address listed. The 1945 Washington, D.C. telephone directories reflect that one FRANK J. DONNER resided during that year at 3810 W Street, South East, Washington, D.C.

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T-33 advised that the same unidentified man was later seen parking this vehicle in front of 3810 W Street, South East, Washington, D.C. and entering the apartment house at that address.

T-33 then identified this individual as FRANK DONNER, who resided at 3810 W Street, South East, Washington, D.C. at that time.

T-33 advised on the same date that the subject had been in the company of LISCHINSKY and HERBERT SCHIMMEL, 3604 Minnesota Avenue, South East, Washington, D.C. on that date.

T-33 advised on December 8, 1945 that several persons, including a couple believed to be Mr. and Mrs. FRANK DONNER, 3810 W Street, South East, Washington, D.C. and another couple identified as Mr. and Mrs. JOEL GORDON, 3818-B W Street, South East, Washington, D.C. were present at the residence of Mr. LISCHINSKY on that date.

The New York Compass, issue of October 14, 1952, contained an article which reflected that JOEL GORDON, United States employee of the United Nations, had been called as a witness in a recent Government sub-committee hearing investigating Communism among American employees in the United Nations, and that he had invoked his rights as a citizen under the Fifth Amendment and refused to answer questions concerning alleged membership in the Communist Party.

T-34 advised on December 1, 1949 that the editorial and reporting staff of the New York Compass was composed of Communists and Communist sympathizers.

ELIZABETH BENTLEY, former Communist Party member and self-confessed former Espionage agent, advised that she had known SOLOMON AARON LISCHINSKY in the early 1940's as being involved in a Soviet espionage conspiracy in Washington, D.C. and New York City. ~~X~~

T-13 advised during 1945 and 1946 that the subject had many social dates with HARRIET BOUSLAG, who at that time represented the International Longshoremen's Association and Warehousemen's Unions, Washington, D.C., of which HARRY BRIDGES was the International President.

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HARRY BRIDGES was convicted in United States District Court, San Francisco, California on a charge of perjury in that he denied under oath before an Immigration and Naturalization Service hearing that he was a member of the Communist Party.

T-35 advised on February 24, 1946 that the subject and his wife had attended a party at the residence of ELIZABETH SASULY in Washington, D.C. on that date.

T-35 advised on May 17, 1945 that WILLIAM Z. FOSTER, Head of the Communist Party, USA, was in contact with ELIZABETH SASULY on that date.

T-36 advised in October 1947 that FRANK DONNER'S name was in the possession of HAROLD EDGAR CLEARMAN.

T-37 advised during 1946 and up until 1948 that Mr. and Mrs. HAROLD CLEARMAN had been in contact with several known Communists during that period. Among their contacts were IRVING WOLF WINIK, HELEN SILVERMAN WINIK, Miss SELMA FRANK, VICTOR FLEISCHER, all identified by T-38 as known Communists.

T-39 advised on November 11, 1947 that on that date the subject was in contact with ALBERT E. BLUMBERG, National Legislative Director of the Communist Party, who maintained his headquarters in Baltimore, Maryland.

T-40 advised that previously to the year 1948 the subject had been in contact with the following persons:

DAVID CARELNER, an attorney dismissed from the University of Virginia for Communist activities.

HELEN SHONICK, identified by T-38 as a member of the Communist Party.

Doctor and Mrs. VLADIMIR HOUEK; Doctor HOUEK was at that time the Czechoslovakian Delegate to the United Nations and reported to be a Communist.

Doctor SERGIJE MAJEDO, Yugoslavian Embassy, Washington, D.C.

T-50 advised that previously to the year 1948 the subject had been in contact with MARTIN POPPER, identified by T-20 as a Communist Party member.

T-51 advised that previous to the year 1948 the subject had been in contact with ELEANOR NELSON, who was dismissed from the Department of Labor for Communist activities.

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T-52 advised that previous to the year 1948 the subject had been in contact with CHARLES KRAMER, identified by T-41 as a member of the Communist Party and suspected espionage agent.

As previously stated, T-5 had advised on December 19, 1949 that the subject was employed as of that date in the law firm of TANZ and JAFFE, 52 Broadway, New York City.

T-42 advised on June 26, 1952 that AL TANZ, 52 Broadway, New York City, had contributed two hundred and fifty dollars to the Civil Rights Congress Bail Fund on October 6, 1949, for the purpose of fighting the dissolution of the Bail Fund by the State of New York.

T-43 advised in June 1952 that BERNARD L. JAFFE, New York State Attorney, was elected to the Board of Directors of the National Lawyers' Guild, New York Chapter at a membership meeting on June 18, 1952.

T-6 advised on June 15, 1950 that BESS DE JONG, employee of the National Communist Party Headquarters, reportedly worked on June 15, 1950 at an office where the telephone number was Longacre 4-6298. (C)

The Manhattan Address-Telephone Directory, 1950, reflects that this telephone number was listed to FRANK DONNER, 55 West 42nd Street, New York City.

T-44 advised that MORTON STAVIS, 175 Shelley Avenue, Elizabeth, New Jersey had contacted the offices of FRANK DONNER, 100 West 42nd Street and 55 West 42nd Street, both New York City, and his residence at 400 Fort Washington Avenue, New York City, during 1951.

T-45 advised on February 28, 1946 that MORTON STANIS, age thirty-three, Newark, New Jersey, attorney, was a registered Communist Party member in 1946.

The MARTINDALE-HUBBEL Law Directory, 1946, fails to list any attorney in the State of New Jersey by the name of MORTON STANIS, but does list a MORTON STAVIS. There is no other name in this directory which is similar to STANIS.

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NY 100-11342

As previously reported herein, T-7 advised on September 2, 1953 that the subject was employed on that date with the law firm of MARSHALL PERLIN and ARTHUR KINOY, 104 East 40th Street, New York City.

The New York Compass, issue of October 14, 1952, printed an article which reflected that JOEL GORDON and ALFRED J. VAN TASSEL, both United States employees with the United Nations, had been called before a Congressional subcommittee conducting hearings into Communist activities in American United Nations employees, and both had invoked their rights as citizens under the Fifth Amendment and refused to answer questions concerning membership in the Communist Party. The article stated that the legal counsel for GORDON and VAN TASSEL was ARTHUR KINOY, attorney.

The "U.E. News", issue of February 26, 1949, Page 7, Column 5, contained an article which reflected that MARSHALL PERLIN was at that time an attorney for Local 301, United Electrical, Radio and Machine Workers of America (UE). The article also stated that he had addressed a conference held by the UE in Albany, New York on February 16, 1949.

T-46 advised in June, 1953 that the majority of influential officials sitting on UE General Executive Board are either Communists or Communist sympathizers, and the General Executive Board sets the overall policy for UE.

Travel Behind the Iron Curtain

The records of the Passport Division, State Department, Washington, D.C., reflect that the subject applied for a passport on June 29, 1938 and that it was issued on July 1, 1938. At the time of his application the subject stated that it was his intention to leave New York City on July 5, 1938 aboard the M.S. BALRY for a two months trip to France, Sweden, Denmark, Finland and the U.S.S.R.

Relatives Connections with Subversive Movements

The records of the Board of Elections, New York City were reviewed by SE AMBROSE W. CONROY on June 16, 1953 and reflected that MADELINE DONNER, 400 Fort Washington Avenue, New York City had registered as a member of the American Labor Party in 1950.

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Concerning the American Labor Party, the following appears in a booklet entitled, "Guide to Subversive Organizations and Publications," prepared and released by the Committee on Un-American Activities, United States House of Representatives, May 11, 1951:

"AMERICAN LABOR PARTY

"1. For years, the Communists have put forth the greatest efforts to capture the entire American Labor Party throughout New York State. They succeeded in capturing the Manhattan and Brooklyn sections of the American Labor Party, but outside of New York City they have been unable to win control." (Special Committee on Un-American Activities, Report, March 29, 1944, p. 78.)

"2. Among organizations that are victims of Communist domination." (California Committee on Un-American Activities, Report, 1948, pp. 40 and 41.)"

MISCELLANEOUS

T-47 advised on June 30, 1950 that the name FRANK J. DONNER, 401 Broadway, New York City, appeared on a list of names, many of whom were identified as Communist Party members or functionaries.

T-48 advised on September 16, 1950 that the subject is the editor of "The Civil Liberties Report", of which Volume 1, Number 1, issue of September 16, 1950 was distributed to all attorneys in the United States.

T-49 advised during 1952 and 1953 that the subject had received thirteen checks during that period totaling fifty-five hundred dollars from JOHN T. MC TERNAN.

The "Daily Worker", issue of September 12, 1952, Page 5, Column 5, contained an article which reflected that JOHN T. MC TERNAN was one of four attorneys honored at a dinner on September 18, 1952 and that they were honored for their "outstanding legal defense of civil liberties" in defending the fifteen Smith Act victims currently on trial at Foley Square, New York City.

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DESCRIPTION

A physical description of the subject as furnished by the records of the Metropolitan Police Department, Washington, D.C., the Passport Division of the State Department, and T-27 is as follows:

Name:	FRANK JORIS DONNER	<i>Summary</i>
Date and Place of Birth:	2/25/11, Brooklyn, New York	
Occupation:	Attorney	
Height:	5'10"	
Weight:	210 lbs.	
Build:	Heavy	<i>CONF.</i>
Hair:	Brown	
Eyes:	Brown	
Race:	White	
Sex:	Male	
Complexion:	Olive	
Relatives:	Wife, MADELINE JAFFE, Dock Road, Village Creek, South Norwalk, Connecticut.	
	[redacted] born [redacted]	
	residing with parents.	
	[redacted] born [redacted] residing with parents.	
	Mother, SOPHIE KOFFMAN, whereabouts unknown.	
	Father, SAMUEL DONNER, born Austria, 2/28/84; resided 441 Jelleffe Avenue, Newark, New Jersey as of June 29, 1938.	

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ADMINISTRATIVE PAGE

INFORMANTS

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-1 EDMUND FOX, Assistant Registrar, Columbia U, NYC	Education and residence, 9/41	9/41	SA L. O. PRIOR	100-11342-11, p. 3
T-2 [REDACTED] [REDACTED] Columbia U, NYC	Marital status, 9/41	9/41	SA L. O. PRIOR	100-11342-11, p. 4
T-3 WF 585-S*	Employment, 1945	6/49		
T-4 Pretext call, Whitehall, 4-7754, NYC	Employment, 1949	9/49	SA T. J. HURLEY	100-11342-21
T-5 Pretext call, Whitehall, 4-7754, NYC	Employment, 1949	12/19/49	SA EDWARD U. GRIM	100-11342-27, p. 1
T-6 NY-516-S* X	[New office telephone and address] 8/7/50 X [ABE ISSERMAN, GEORGE CROCKETT,] 8/3/50 X [JOE BRANDT,] 8/8/50 X	8/7/50 8/3/50 8/8/50		

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Number Where Located
A. ISSERMAN,	8/15/50	8/15/50		
JOE BRANDT,	8/21/50	8/21/50		
MARION BACHRACH,	8/30/50	8/30/50		
JOSEPH BRANDT,	8/30/50	8/30/50		
JOE BRANDT,	9/13/50	9/13/50		
Stenographer,	9/20/50	9/20/50		
BETTY GANNETT,	1/2/51	1/2/51		
KATHY FLYNN,	6/12/51	6/12/51		
ELIZABETH GURLEY FLYNN,	6/18/51	6/18/51		
BESS DE JONG,	6/15/50	6/15/50		

T-7

Pretext call,
Oregon 9-2420,
NYC

Employment, 1953

9/2/53

SA MAX M. BAYARD,
JR.

Instant
report

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-8 [REDACTED] [REDACTED], NYC	Residence, 1937-1941	7/41	SA L. O. PRIOR	100-11342-8, p. 4 b7D
T-9 Mrs. DOROTHY CORDELL, 9704 Sutherland Drive, Silver Spring, Maryland	Residence, 1940	6/41	SA C. C. ORTON	WF 101-7-3, p. 3
T-10 J. H. DAVIDSON, 1013 15th Street, NW Washington, D.C.	Residence, 1940	6/41	SA C. C. ORTON	WF 101-7-3, p. 3
T-11 Mrs. H. ARZT, 400 Fort Washington Avenue, NYC	Residence, 1949	12/19/49	SA EDWARD U. CRIM	100-11342-27, p. 1
T-12 USPO, NYC	Residence, 11/2/51	11/51	Unknown	100-11342-51
T-13 WF 299-S*	Legal brief, JAFRC	4/46		

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~~CONFIDENTIAL~~ADMINISTRATIVE PAGE (CONT'D)INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-13 (Cont'd) WF 299-S*	National Council of Negro Women, 6/45 HARRIET BOURSLAG, 1945 - 1946	6/45		
T-14 [redacted]	EUGENE WALLACH, 11/49	4/9/51	SA [redacted] [redacted]	100-14176-54, p. 3
T-15 [redacted]	Used to document individuals.			
T-16 NY 591-S*	ARNOLD JOHNSON, 10/4/50 Civil Rights Congress, 10/50	10/4/50 10/11/50		b6 b7C b7D
T-17 J. B. HALEY, Chief, Fraternal Bureau, NY State Insurance Commission, 61 Broadway, NYC	Attorneys for IWO, 11/50	11/27/50	SA [redacted] [redacted]	100-2936- 4489, p. 97
T-18 WF 516-S*	DAVID REIN, 5/9/51 Executive Board, National Lawyers' Guild, 1948	5/51 1948		

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-19 LOUIS BUDENZ, former managing editor of "Daily Worker"	Used to document individuals			
T-20 [redacted]	Used to document individuals			
T-21 NY 603-S*	Meeting at DONNER'S office, 5/52	5/52		
T-22 NY 710-S*	JUSTIN GRAY, 5/30/52	5/31/52		b6 b7C b7D
T-23 [redacted] Brooklyn, New York	Used to document individuals			
T-24 [redacted] Long Island, NY	Subject sympathetic with Communist move- ment, 1940	11/23/40	Letter to SAC, NY	100-11342-1


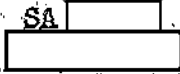
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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-25 	Defense of U.S.S.R., 1941	7/41	SA L. O. PRIOR	100-11342-8
	ALLA EVALENKO, 1939	7/41	SA L. O. PRIOR	100-11342-8
T-26 Mail Cover, Subject's residence, 1869 Mintwood Place, NW Washington, D.C.	National Federation of Constitutional Liberties, 7/41	7/41	US Mail to WFO	WF 101-7-20, p. 9
T-27 CSNY 21	National Lawyers' Guild, 6/51; and description	6/8/51	SA 	100-10769-390
T-28 WF 466-S*	Progressive Citizens of America, 11/14/47	11/3/47		
T-29 WF 368-S*	Washington Bookshop, 1945 - 1947			
T-30 Anonymous				

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b7D

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-31 Mrs. BEVERLY FORTUNE, Clerk, Local Board 16, 28 Greenwich Avenue, NYC	Used to document individuals			
T-32 NY 368-S*	Used to document individuals			
T-33 Physical surveillance, SOLOMON AARON LISCHINSKY, 2002-B Fort Davis Street, Fairfax Village, Washington, D.C.	Use of subject's car, Washington, D.C.	12/3/45	SA S. J. LEVIS, SA T. E. NICHOLS	WF 100-17493-B
	LISCHINSKY residence, Washington, D. C.	12/8/45	SA MAURICE C. CARROLL, SA DUANE C. LIMPRECHT	WF 100-17493-B
	Used to document individuals			
T-34 [REDACTED]	Used to document organization			
T-35 Surveillance, residence of ELIZABETH SASULY, Washington, D.C.	Attendance at party by ELIZABETH SASULY, Washington, D.C.	2/24/46	SA MAURICE A. TAYLOR, SA KENNERLY A. CORBETT, SA W. ALBERT STEWART, SA JEROME M. GARLAND	WF 100-17493-B

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NY 100-11342

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
--------------------	--	---------------	-------------------------	-------------------------------

Used to document individuals

T-36
Anonymous

T-37 Used to document individuals

[Redacted]
[Redacted] Washington,
D.C.

b7D

T-38 Used to document individuals

[Redacted]

T-39
Physical surveillance,
10th and F.
Streets,
Washington, D.C.

ALBERT E. BLUMBERG,
11/11/47

11/11/47

SA VINCENT
W. HUGHES,
SA COURTLAND
J. JONES,
SA J. C.
LITCHER,
SA CHARLES
G. CLEVELAND

WF 100-17493-B

T-40
WF 425-S*

Contacts with CARLINER,
SHANICK, HOUDEK, MAJIEDO,
previous to 1948.

T-41 Used to document individuals

WHITTAKER CHAMBERS,
formerly with
"Daily Worker", then
senior editor, TIME
magazine

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-42 NATHANIEL L. GOLDSTEIN, NY State Attorney General	Used to document individuals			
T-43 [REDACTED]	Used to document individuals			
T-44 NK 1741-S	Toll call to LO 4-6298	11/23, 24, 27/50	SAS [REDACTED] PAUL R. ALKER	NK 100-30578-94-47
	Toll call to LO 4-1376	11/23, 24, 27/50	SAS [REDACTED] PAUL R. ALKER	NK 100-37578-94-47
	Toll call to LO 8-7509	11/23, 24, 27/50	SAS [REDACTED] PAUL R. ALKER	NK 100-37578-94-49
T-45 [REDACTED]	Used to document individuals			
T-46 [REDACTED]	Used to document individuals			
T-47 CSNY 1126	List of CP members, 1950	6/30/50	SA [REDACTED] SA [REDACTED] [REDACTED]	100-85800-1B7690

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-48 [REDACTED] Indiana	Civil Liberties Report, 1950	9/25/50	Letter to Bureau, 9/16/50	100-11342-37 b7D
T-49 [REDACTED]	Checks from JOHN T. MC TERNAN, 5/14, 20/52	6/1/52	SA DALE H. WILLIAMS	100-11342-58
	Checks from JOHN T. MC TERNAN, 6/4, 19/52	7/1/52	SA DALE H. WILLIAMS	100-100538-10
	Checks from JOHN T. MC TERNAN, 7/2, 5/52	8/1/52	SA DALE H. WILLIAMS	100-100538-11
	Check from JOHN T. MC TERNAN, 8/1/52	9/2/52	SA DALE H. WILLIAMS	100-100538-12
	Check from JOHN T. MC TERNAN, 8/29/52	10/1/52	SA DALE H. WILLIAMS	100-100538-14
	Check from JOHN T. MC TERNAN, 9/23/52	10/31/52	SA DALE H. WILLIAMS	100-100538-15
	Check from JOHN T. MC TERNAN, 10/22/52	12/1/52	SA DALE H. WILLIAMS	100-100538-16
	Checks from JOHN T. MC TERNAN, 12/13, 19/52	1/2/53	SA DALE H. WILLIAMS	100-100538-17

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ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-49 (Cont'd) [REDACTED]	Check from JOHN T. MC TERNAN, 1/23/53	3/2/53	SA DALE H. WILLIAMS	100-100583-21 b7D
T-50 WF 518-S*	Contact with MARTIN POPPER, previous to 1948			
T-51 WF 427-S*	Contact with ELEANOR NELSON, previous to 1948			
T-52 WF 445-S*	Contact with CHARLES KRAMER, previous to 1948			

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NY 100-11342

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ADMINISTRATIVE PAGE (CONT'D)

MISCELLANEOUS:

Because of the large number of documentations requested from the Washington Field Office, it was considered expedient to request the necessary information by lead in this report rather than by separate letter. The Washington Field File in which the information is located, will be found in parenthesis accompanying each statement "awaiting documentation from Washington Field".

LEADS

WASHINGTON FIELD

At Washington, D.C.

Will provide the New York Office with the necessary points of documentation as noted on the informant pages herein.

NEW YORK

At New York, New York

Upon receipt of the necessary points of documentation from Washington Field, the New York Office will submit corrected administrative pages.

REFERENCES:

New Haven letter to New York, 1/21/52.

Form FD 128 submitted by the New York Office 4/3/52.

New York letter to Newark, 9/11/53.

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NY 100-11342

The records of the National Labor Relations Board reflect that the subject listed MARK LAUTER, National Labor Relations Board, New York City, and MARY DUBLIN, General Secretary, National Consumers League, 156 5th Avenue, New York City as references when he applied for the position with the National Labor Relations Board.

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The American Committee for Protection of the Foreign Born has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-33 advised on December 3, 1945 that an unidentified man driving a 1941 two-door Studebaker Sedan, bearing 1945 District of Columbia License 99-859, visited the residence of SOLOMON AARON LISCHINSKY, 2002-B Fort Davis Street, Fairfax Village, Washington, D.C. on that date. Subsequent inquiry at the Metropolitan Police Department, Washington, D.C. reflected that the vehicle described above was the property of MADELINE DONNER, 3810 W Street, Southeast Washington, D.C.

NY 100-11342

T-33 advised that the same unidentified man was later seen parking this vehicle in front of 3810 W Street, Southeast Washington, D.C. and entering the apartment house at that address.

T-33 then identified this individual as FRANK DONNER, who resided at 3810 W Street, Southeast Washington, D.C. at that time.

T-33 advised on the same date that the subject had been in the company of LISCHINSKY and HERBERT SCHIMMEL, 3604 Minnesota Avenue, Southeast Washington, D.C. on that date.

T-33 advised on December 8, 1945 that several persons, including a couple believed to be Mr. and Mrs. FREDERICK DONNER, 3810 W Street, Southeast Washington, D.C., and another couple identified as Mr. and Mrs. JOEL GORDON, 3818-B W Street, Southeast Washington, D.C. were present at the residence of Mr. LISCHINSKY on that date.

The New York Compass, issue of October 14, 1952 contained an article which reflected that JOEL GORDON, United States employee of the United Nations, had been called as a witness in a recent Government sub-committee hearing in the United Nations, and that he had invoked his rights as a citizen under the Fifth Amendment and refused to answer questions concerning alleged membership in the Communist Party.

T-34 advised on December 1, 1949 that the editorial and reporting staff of the New York Compass was composed of Communists and Communist sympathizers.

ELIZABETH BENTLEY, former Communist Party member and self-confessed former Espionage agent, advised that she had known SOLOMON AARON LISCHINSKY in the early 1940's as being involved in a Soviet espionage conspiracy in Washington, D.C. and New York City.

T-13 advised during 1945 and 1946 that the subject had many social dates with HARRIET BOUSLAG, who at that time represented the International Longshoremen's Association and Warehousemen's Unions, Washington, D.C., of which HARRY BRIDGES was the International President.

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HARRY BRIDGES was convicted in United States District Court, San Francisco, California on a charge of perjury in that he denied under oath before an Immigration and Naturalization Service hearing that he was a member of the Communist Party.

T-35 advised on February 23, 1946 that the subject and his wife had attended a party at the residence of ELIZABETH SASULY in Washington, D.C. on that date.

T-35 advised on May 17, 1945 that WILLIAM Z. FOSTER, Head of the Communist Party, USA, was in contact with ELIZABETH SASULY on that date.

T-36 advised in October, 1947 that FRANK DONNER'S name was in the possession of HAROLD EDGAR CLEARMAN.

T-37 advised during 1946 and up until 1948 that Mr. and Mrs. HAROLD CLEARMAN had been in contact with several known Communists during that period. Among their contacts were IRVING WOLF WINIK, HELEN SILVERMAN WINIK, Miss SELMA FRANK, VICTOR FLEISCHER, all identified by T-38 as known Communists.

T-39 advised on November 11, 1947 that on that date the subject was in contact with ALBERT E. BLUMBERG, National Legislative Director of the Communist Party, who maintained his headquarters in Baltimore, Maryland.

T-18 and T-40 advised that previously to the year 1948 the subject had been in contact with the following persons:

DAVID CARLINER, an attorney dismissed from the University of Virginia for Communist activities.

HAMLIN SHANICK, identified by T-38 as a member of the Communist Party

Doctor and Mrs. VLADIMIR HOUDEK; Doctor HOUDEK was at that time the Czechoslovakian Delegate to the United Nations and reported to be a Communist.

Doctor SERGIJE MAJEDO, Yugoslavian Embassy, Washington, D.C.

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MARTIN POPPER, identified by T-20 as a Communist Party member

ELEANOR NELSON, dismissed from Department of Labor for Communist activities

CHARLES KRAMER, identified by T-41 as a member of the Communist Party and a suspected espionage agent.

As previously stated T-5 had advised on December 19, 1949 that the subject was employed as of that date in the law firm of TANZ and JAFFE, 52 Broadway, New York City.

T-42 advised on June 26, 1952 that AL TANZ, 52 Broadway, New York City, had contributed two hundred and fifty dollars to the Civil Rights Congress Bail Fund on October 6, 1949, for the purpose of fighting the dissolution of the Bail Fund by the State of New York.

T-43 advised in June, 1952 that BERNARD E. JAFFE, New York State Attorney, was elected to the Board of Directors of the National Lawyers' Guild, New York Chapter at a membership meeting on June 18, 1952.

T-6 advised on June 15, 1950 that BESS DE JONG, employee of the National Communist Party Headquarters, reportedly worked on June 15, 1950 at an office where the telephone number was Longacre 4-6298.

The Manhattan Address-Telephone Directory, 1950, reflects that this telephone number was listed to FRANK DONNER, 55 West 42nd Street, New York City.

T-44 advised that MORTON STAVIS, 175 Shelley Avenue, Elizabeth, New Jersey had contacted the offices of FRANK DONNER, 100 West 42nd Street and 55 West 42nd Street, both New York City, and his residence at 400 Fort Washington Avenue, New York City, during 1951.

T-45 advised on February 28, 1946 that MORTON STANIS, age thirty-three, Newark, New Jersey, attorney, was a registered Communist Party member in 1946.

The MARTINDALE-HUBBEL Law Directory, 1946, fails to list any attorney in the State of New Jersey by the name of MORTON STANIS, but does list a MORTON STAVIS. There is no other name in this directory which is similar to STANIS.

NY 100-11342

ADMINISTRATIVE PAGE

INFORMANTS

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-1 EDMUND FOX, Assistant Registrar, Columbia U, NYC.	Education and residence, 9/41	9/41	SA L. O. PRIOR	100-11342-11, p. 3.
T-2 [REDACTED] [REDACTED] Columbia U. NYC.	Marital Status, 9/41	9/41	SA L. O. PRIOR	100-11342-11, p. 4.
T-3 WF C-585	Employment, 1945	6/49	Awaiting documentation from WF (Report of SA ROBERT E. LEONARD, 8/18/49, WF, in instant case. Page 3.)	
T-4 Pretext call, Whitehall 4-7754, NYC	Employment, 1949	9/49	SA T. J. HURLEY	100-11342-21
T-5 Pretext call, Whitehall 4-7754, NYC	Employment, 1949	12/19/49	SA EDWARD U. CRIM	100-11342-27, p. 1.
T-6 NY-516-S*	New Office telephone and address, 8/7/50	8/7/50		
	ABE ISSERMAN, GEORGE CROCKETT, 8/3/50	8/3/50		
	JOE BRANDT, 8/8/50	8/8/50		

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to whom Furnished	File and Serial Where Located
T-8 [REDACTED] NYC	Residence, 1937-1941	7/41	SA L. O. PRIOR	100-11342-3, p. 4. b7D
T-9 Mrs. DOROTHY CORDELL, 9704 Sutherland Drive, Silver Spring, Missouri	Residence, 1940	6/41	SA C. C. ORTON	report of SA C. C. ORTON, 6/23/41, WF, "FRANK JARVIS DONNER; Hatch Act", WF 101-7.
T-10 J. H. DAVIDSON, 1013 15th Street, NW Washington, D.C.	Residence, 1940	6/41	SA C. C. ORTON	"
T-11 Mrs. H. ARZE, 400 Fort Washington Avenue, NYC.	Residence, 1949	12/19/49	SA EDWARD U. CRIM	100-11342-27 p. 1.
T-12 USPO, NYC	Residence, 11/2/51	11/51	Unknown	100-11342-51
T-13 WF C-299	Legal brief, JAFRC	4/46		awaiting documentation from WF, (Report of SA EDWARD F. HUMMER, WF, instant case, 8/9/48, p. 4).

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Number Where Located
	National Council of Negro Women, 6/45	6/45		awaiting documentation from WF (Report of SA HUMMER, above, P. 3.)
	HARRIET BOURSLAG, 1945-1946			awaiting documentation from WF, (Report of SA HUMMER, above, P. 3.)
T-14 [redacted]	EUGENE WALLACH, 11/49	4/9/51	SA [redacted] [redacted]	100-14176-54, p. 3
T-15 [redacted]	Used to document individuals.			
T-16 NY-591-S*	ARNOLD JOHNSON, 10/4/50	10/4/50		b6 b7C b7D
	Civil Rights Congress, 10/50	10/11/50		
T-17 J. B. HALEY, Chief, Fraternal Bureau, NY State Insurance Commission, 61 Broadway, NYC.	Attorneys for IWO, 11/50	11/27/50	SA [redacted] [redacted]	100-2936-4489, p. 97
T-18 WF C-516	DAVID REIN, 5/9/51	5/51	Bureau	100-2936-4941
	Executive Board, National Lawyers' Guild, 1948	1948		awaiting documentation from WF, (Report of SA EDWARD F. HUMMER, 8/9/48, WF, P. 2.)

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Number Where Located
	Contacts with CARLINER, SHANICK, HOUDEK, et. al, previous to 1948			awaiting documentation from WF, (Report of SA EDWARD F. HUMMER, 8/9/48, WF, P. 4).
T-19 LOUIS BUDENZ, former managing editor of "Daily Worker."	Used to document individuals			
T-20 [redacted]	Used to document individuals			
T-21 NY-603-S*	Meeting at DONNER'S office, 5/52	5/52		
T-22 NY-710-S*	JUSTIN GRAY, 5/30/52	5/31/52		
T-23 [redacted]	Used to document individuals.			
[redacted] Brooklyn, New York				
T-24 [redacted] Long Island, NY	Subject sympathetic with Communist movement, 1940	11/23/40	Letter to SAC, N.Y.	100-11342-1

b6
b7C
b7D

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Number Where Located
T-25	Defense of U.S.S.R., 1941	7/41	SA L. O. PRIOR	100-11342-8
[REDACTED]	ALLA EVALENKO, 1939	7/41	SA L. O. PRIOR	100-11342-8
T-26 Mail Cover, Subject's residence, 1869 Mintwood Place, NW Washington, D.C.	National Federation of Constitutional Liberties, 7/41	7/41	Report of SA M. C. CLEMENTS, 10/3/41, WF "FRANK JARVIS DONNER; Hatch Act, Int-Sec," WF 101-7	b6 b7C b7D
T-27 CSNY 21	National Lawyers' Guild, 6/8/51 6/51; and description	6/8/51	SA [REDACTED] [REDACTED]	100-10769-390
T-28 WF C-466	Progressive Citizens of America, 11/11/47	11/3/47	awaiting documentation from WF (Report of SA EDWARD F. HUMMER, above, P. 4)	
T-29 WF C-368	Washington Bookshop, 1945-1947		Awaiting documentation from WF (Report of SA EDWARD F. HUMMER, above, P. 3)	
T-30 Anonymous				

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Where Located
T-31 Mrs. BEVERLY FORTUNE, Clerk, Local Board 16, 28 Greenwich Avenue, NYC.	Used to document individuals			
T-32 NY-368-S*	Used to document individuals			
T-33 Physical surveillance, SOLOMON AARON LISCHINSKY, 2002-B Fort Davis Street, Fairfax Village, Washington, D.C.	Use of subject's car, Washington, D.C.	12/3/45		awaiting documentation from WF, (Report of SA FLOYD L. JONES, 12/18/45, WF, "NATHAN GREGORY SILVERMASTER, et. al; Espionage- R", WF 100-17493, P. 84.)
	LISCHINSKY residence, Washington, D.C.	12/8/45		Awaiting documentation from WF (Report of SA JONES, above, P. 97.)
	Used to document individuals.			
T-34 [REDACTED]	Used to document organization			
T-35 Surveillance, residence of ELYZABETH SASULY, Washington, D.C.	Attendance at party by ELYZABETH SASULY, Washington, D.C.	2/23/46		Awaiting documentation from WF, (WF teletype to Div, FBI, and NY, 2/25/46 "NATHAN GREGORY SILVERMASTER, was., et. al - Espionage-R" WF 100-17493)

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to whom Furnished	File and Serial Where Located
	Used to document individuals			
T-36 Anonymous				
T-37	Used to document individuals			
[REDACTED]				
Washington, D.C.				b7D
T-38	Used to document individuals.			
[REDACTED]				
T-39 Physical surveillance, 10th and F. Streets, Washington, D.C.	ALBERT E. BLUMBERG, 11/11/47	11/11/47		awaiting documentation from WF (Report of SA LAMBERT G. ZANDER, 2/24/48, WF, "NATHAN GREGORY SILVERMASTER, was, et. al, Espionage-R" P. 46.)
T-40 WF C-519	Contacts with CARLINER, SHANICK, HOUDEK, et. al, previous to 1948.			awaiting documentation from WF, (Report of SA EDWARD F. HUMMER, 8/9/48, WF, P.4.)
T-41 WHITTAKER CHAMBERS, formerly with "Daily Worker" then senior editor TIME Magazine.	Used to document individuals.			

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Number Where Located
T-42 NATHANIEL L. GOLDSTEIN, NY State Attorney General	Used to document individuals.			
T-43 [redacted]	Used to document individuals.			
T-44 NK-1741-S	MORTON STAVIS, 1951			Awaiting documentation from Newark
T-45 [redacted]	Used to document individuals.			b6 b7C b7D
T-46 [redacted]	Used to document organizations.			
T-47 NY-426-S	List of CP members, 1950	6/30/50	SA [redacted] [redacted] SA [redacted]	100-85800-1B7690
T-48 [redacted] [redacted]	Indiana Civil Liberties Report, 1950	9/25/50	Letter to Bureau, 9/16/50	100-11342-37

NY 100-11342

ADMINISTRATIVE PAGE (CONT'D)

INFORMANTS (CONT'D)

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File and Serial Number Where Located
T-49 [REDACTED]	Checks from JOHN T. MC TERNAN 5/14, 20/52	6/1/52	SA DALE H. WILLIAMS	100-11342-58
	Checks from JOHN T. MC TERNAN, 6/4, 19/52	7/1/52	SA DALE H. WILLIAMS	100-100538-10
	Checks from JOHN T. MC TERNAN, 7/2, 5/52	8/1/52	SA DALE H. WILLIAMS	100-100538-11
	Check from JOHN T. MC TERNAN, 8/1/52	9/2/52	SA DALE H. WILLIAMS	100-100538-12
	Check from JOHN T. MC TERNAN, 8/29/52	10/1/52	SA DALE H. WILLIAMS	100-100538-14
	Check from JOHN T. MC TERNAN, 9/23/52	10/31/52	SA DALE H. WILLIAMS	100-100538-15
	Check from JOHN T. MC TERNAN, 10/22/52	12/1/52	SA DALE H. WILLIAMS	100-100538-16
	Checks from JOHN T. MC TERNAN, 12/13, 19/52	1/2/53	SA DALE H. WILLIAMS	100-100538-17
	Check from JOHN T. MC TERNAN, 1/23/53	3/2/53	SA DALE H. WILLIAMS	100-100538-21

Office LVI • UNITED STATES GOVERNMENT

TO : Director, FBI (100-25688)
FROM : SAC, New York (100-11342)
SUBJECT: ERNEST JAMES BOWLER
SI-3

DATE: 11/5/53

39112

Rerep of SA MAX M. HAYARD, JR., 9/21/53, at New York.

Attached herewith are copies of the amended administrative pages to be inserted into rerep. The corrected pages have been inserted into the New York file.

In obtaining the necessary documentation from Washington Field, it was noted that certain changes were necessary in the details of rerep. Therefore, corrected pages reflecting these changes are also attached and Offices receiving copies thereof, should make the appropriate insertions into the file.

In view of the fact that New Haven is now the Office of Origin, the New York Office is RUCing this case.

RM

ENC. 3

- 1 - Washington Field (100-2771) (RM) (Encs. 2)
- 1 - New Haven (100-114085) (RM) (Encs. 3)

*Detached and filed
in Serial - 48 - 30000 T.K.
12-5-53*

100-25688-49

100-25688-49
NOV 9 1953
INDEXED
DUPLED
FILED

DEC 11 1953

MB:EF

~~CONFIDENTIAL~~

Commissioner
Immigration and Naturalization Service

February 2,
1954

Director, FBI

RECORDED
INDEXED
FRANK DONNER

no locality

100-25688-50

EX-102

Reference is made to the communication of January 6, 1954, from Mr. Raymond F. Farrell, Assistant Commissioner, which contained a request for a name check on the captioned individual and a request for information as to his citizenship status, your file 56324/454.

A review of the records of this Bureau has disclosed that the captioned individual may possibly be identical with Frank Joris Donner, although a positive identification cannot be effected. An intermittent security-type investigation was initiated of this individual on May 14, 1941, and is in a pending status. During the course of the investigation a check of the records of the Passport Division of the United States Department of State in Washington, D. C., revealed he was born on February 25, 1911, in Brooklyn, New York.

In view of the fact this individual is a native-born citizen the results of the afore-mentioned investigation are not being furnished to you at this time. (100-25688)

The foregoing information is furnished to you as a result of your request for an FBI file check only and is not to be construed as a clearance or a nonclearance of the individual involved. This information is furnished for your use only and should not be disseminated outside of your agency.

APPROPRIATE AGENCIES
AND FIELD OFFICES

ADVISED BY ROUTING

SLIP(S) OF CLASSIFICATION

DATE 9-20-77 BY [signature]

Original to Commissioner, INS, Washington, D. C.
Request received January 12, 1954

:res

NOTE: While a positive identification could not be effected it is believed that the subject of the inquiry is identical with Frank Joris Donner, subject of Bufile 100-25688 who is on the Security Index of the New Haven Field Division. Mr. [signature] was

Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

contacted by the

REC'D - 101-101-101-101

COMM - FBI
FEB 10 1954
MAILED 19

~~CONFIDENTIAL~~

CONFIDENTIAL

The subject is named on page 192, part 4 of the Senate Subcommittee hearings regarding Interlocking Subversion in Government Departments as one of the persons who signed an open letter objecting to the Mundt Bill. The letter was published in the Washington Post May 18, 1948.

(S. V. 100)

(105)

Off

UNITED STATES GOVERNMENT

TO DIRECTOR, FBI (100-25688)

DATE: 12-14-53

FROM SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SM-C

Card U. T. L.

12-24-53

It is recommended that a Security Index Card be prepared on the above-captioned individual.

☒ The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____ LAW OFFICES OF

DONNER, KINDY AND PERLIN, 104 EAST 140th STREET, NEW YORK, NEW YORK

KEY FACILITY DATA:

GEOGRAPHICAL REFERENCE NUMBER _____ RESPONSIBILITY _____

INTERESTED AGENCIES _____

RESIDENCE ADDRESS 7460

100-25688-
NOT RECORDED

20 DEC 16 1953

FEB 12 1954

/rmp

100-14085

REG 129-30-1953

A. J. Leonard

H. BELMONT

Assistant Attorney General Warren Olney III
Criminal Division

December 7, 1953

Director, FBI

~~CONFIDENTIAL~~

COMMUNIST PARTY, USA - BRIEF
(Prosecution of Additional
Communist Functionaries Under
the Smith Act - Pittsburgh)
INTERNAL SECURITY - C
FBI File 100-3-74-39

100-22688-✓

Reference is made to my memorandum dated October 23, 1953, concerning the appeal in the Pittsburgh Smith Act case.

Information has been obtained by our Pittsburgh Office that attorney Frank J. Donner of New York City has been requested to prepare the brief and participate in the argument for the Pittsburgh Smith Act defendants. Donner has advised Assistant United States Attorney D. Malcolm Anderson, Jr., Pittsburgh, that it would be possible for him to accept this assignment only if a postponement of the date for the submission of the brief could be obtained. Donner estimated it would require approximately three and one half months to review the trial transcript and suggested April 15, 1954, as a probable date for submitting the defense brief.

Assistant United States Attorney Anderson has advised our Pittsburgh Office that by letters dated November 16, and November 19, 1953, he advised both Donner and defense attorney Ralph Powe that the Government will vigorously oppose any motion for further continuance of the date for submitting the appeal brief. Subsequently, it was ascertained that Powe had filed a motion with the United States Court of Appeals for the Third Circuit, Philadelphia, requesting an extension of time for filing the appeal brief.

For your information, Frank J. Donner is the subject of a security investigation being conducted by the Bureau and a copy of the summary report of Special Agent Max M. Bayard, Jr., dated September 21, 1953, at New York City, concerning him was furnished to the Records Administration Branch of the Department on September 26, 1953.

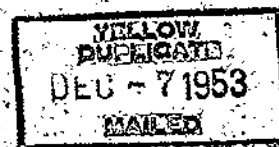
You will be advised of additional developments with reference to the appeal in the Pittsburgh Smith Act case.

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Gearty _____
Mohr _____
Winterrowd _____
Tele. Room _____
Holloman _____
Miss Gandy _____

2 cc: Pittsburgh (w/Enclosure)

cc: Bufile 100-25688-✓

EBR:imd



ORIGINAL COPY FILED IN 920

Attention SAC, Pittsburgh:

Attached is a copy of the summary report concerning Donner which may be made available to United States Attorney Hollvaine for his information.

U. S. DEPT. OF JUSTICE
F. B. I.
JUL 3 1964
RECEIVED

Director, FBI (100-3-74 sub 39)

11-20-53

SAC, Pittsburgh (100-8527 sub A)

COMPROS - PITTSBURGH
INTERNAL SECURITY - C
(Pittsburgh - Origin)

On 11-17-53, this office received from the USA, Pittsburgh, copies of correspondence between the USA and defense counsel relative to the defendants' appeal now pending in the U.S. Court of Appeals for the 3rd Circuit, Philadelphia.

By letter dated 11-10-53, FRANK J. DOWNER, Esquire, 104 East 40th Street, New York 16, N. Y., advised that he had been requested to prepare a brief and participate in the argument for the defendants. DOWNER indicated that it would be possible for him to take the handling of the appeal only if a postponement of the presently scheduled date for the submission of the brief could be obtained. DOWNER noted that he was presently engaged in the preparation of an appeal in a case in the Supreme Court, entitled, "EMSPAN v. U. S., number 67, October term, 1953," and that this case would require his time until January, 1954. DOWNER estimated that it would require him approximately three and one-half months to review the trial transcript and prepare the brief, and suggested April 15 as a probable date for submitting the brief.

USA, Pittsburgh, also received a letter from Defense Attorney RADIN L. FOWLE, advising that DOWNER had been retained by the defendants conditionally to write the brief and participate in the argument of the appeal. FOWLE requested the USA's cooperation in obtaining a further extension of time for filing the appeal brief.

By letters dated November 16 and 19, 1953, USA R. MALCOLM ANDERSON, JR. advised both attorneys FOWLE and DOWNER that the government will vigorously oppose any motion for further continuance of time for filing the appeal brief.

1 - New York (Info) (REGISTERED MAIL)

PLS:lra

NOT RECORDED
152 DEC 10 1953

REGISTERED MAIL

55 FEB 15 1954 472

ORIGINAL COPY FILED IN

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

NEW HAVEN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 3-30-81 BY SP2 JRS/ap

REPORT MADE AT NEW HAVEN, CONN.	DATE WHEN MADE 2-17-54	PERIOD FOR WHICH MADE 12-22;1-10, 18,27-54	REPORT MADE BY FRANCIS D. O'BRIEN mec
------------------------------------	---------------------------	--	--

FRANK JORIS DONNER

AGENCY *Photo Hq. Passport*

SECURITY MATTER - C

REC. *9-11-54*

G.I.R. 10

REF. *9-24-54*

BY *ABO*

93-12

SYNOPSIS OF FACTS:

Subject resides Dock Road, Village Creek, South Norwalk, Conn., and is a practicing attorney with offices at 104 East 40th St., New York City. Subject, in speech before New Haven Civil Liberties Council, 12-16-53, denounced Congressional Committees investigating subversive activities, stating, "they are in a vast political game of hare and hounds, in which the paper trail is the steadily increasing latter of subpoenas, the hare is the persecuted victim, and the hounds are ruthless demagogues". Defined subversion as "a new and unparticularized crime". Characterized the HCUA "a partisan political system freely operating". Informants in the Bridgeport and Norwalk area negative re CP activities on the part of DONNER.

OFFICE AGENCY *PITTSBURGH*

REQ. REC'D

DATE FORW. *3-5-54*

DETAILS HOW FORW. *9-25*

BY *ABO*

Declassified by
2333 Baf:cg
9/2/77

3/4/54
GRO

RESIDENCE AND EMPLOYMENT

It has been ascertained that the subject continues to reside on Dock Road, Village Creek, South Norwalk, Connecticut, and is a practicing attorney with offices at 104 East 40th Street, New York City, New York.

On December 17, 1953, the New Haven Journal Courier, a daily newspaper published in New Haven, Connecticut, carried an

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 100-25688-5	RECORDED-52 INDEXED-52
COPIES OF THIS REPORT 5-Bureau (100-25688) (RM) 2-New York (100-11342) (RM) 1-Washington Field (100-2771) (RM) 3-New Haven (100-11085)		APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF DECLASSIFICATION	

COPIES DESTROYED

article captioned, "Attorney Charges House Probers Threaten Civil Liberties in U.S." The article continues by stating "FRANK J. DONNER, former counsel for the C.I.O., and now an attorney in New York, last night struck out at Congressional committees investigating subversive activities, saying that they are engaged "in a vast political game of hare and hounds, in which the paper trail is the steadily increasing litter of subpoenas, the hare is the persecuted victim and the hounds are ruthless demagogues".

According to the article, the occasion for his denunciation of the Committees was a meeting of the New Haven Civil Liberties Council, held to commemorate the 162nd anniversary of the Bill of Rights. The meeting took place in the Yale Law School, New Haven, Connecticut.

The October 1, 1949 issue of the Yale Daily News, a student newspaper at Yale University, New Haven, Connecticut, contained an article captioned, "Students Leave Civil Rights Group over Communist membership issue." This article pointed out that the New Haven Civil Liberties Council was originally formed by students and faculty members at Yale University to protest the riots at the PAUL ROBESON concert at Peekskill, New York. However, this group subsequently divided into two factions, one led by Professor THOMAS I. EMERSON of the Yale Law School, whose followers would admit to membership in the Council, all persons including Communists who claimed to be in favor of Civil Liberties for all. Opposed to this group was a faction led by Professor FRED RODELL of the Yale Law School, which faction would exclude all Communists, arguing that all totalitarians should be excluded because they believe in Civil Liberties only for themselves. According to this article, a vote was taken on this issue and the latter group was defeated in their efforts to bar Communists from the Council.

Confidential Informant T-1, of known reliability, furnished to this Office the results of the aforementioned meeting, held by the New Haven Civil Liberties Council at which captioned subject was a principal speaker.

DONNER began by stating that he would talk about the relationship of Congressional Committees to political freedoms; first by speaking of the functioning of the Committees as a whole and then of the House Committee on Un-American Activities (HCUA) specifically. He said that every group for social change has fallen under the hostile eyes of a committee and that their purpose is

to create fear, to write history, that these have become an end in itself. Subversion is "a new and unparticularized crime" and these committees masquerade as legislative bodies. An atmospheric emanation of espionage is created out of association with organizations with which Communists were also associated. "Ruthless vindictive men" are determined to get anyone who is not a friendly witness, according to DONNER, and he stated that these committees have contributed most to the present low state of civil liberties. "They have robbed the Americans of justice and they have made Communism an instrument of political warfare". He said that the Federal Government has been turned by them into a "national inquisitor".

Regarding the HCUA, DONNER stated that about 40 years have been spent in jail by individuals who have challenged the Committee and were charged with contempt. When appeals were made the Supreme Court would refuse to hear them. He mentioned as an example of this the "Hollywood Ten."

Confidential Informant T-2, of known reliability, advised that the "Hollywood Ten" is a term used by the press and public in referring to the ten motion picture personalities who were subpoenaed before the HCUA in Washington, D.C. in the Fall of 1947. All of these persons were cited and subsequently convicted of contempt and served prison terms. All ten were or had been members of the Communist Party in Hollywood, California.

DONNER said that the existence of the HCUA raised two questions: Is the Committee legally constituted? and Can they ask people their political views? DONNER went on to say that the HCUA must label views as "American" or "Un-American" and that this is indirect censorship. Only the people can say what ideas are good or bad. The terms have no boundaries except the whims and notions of Committee members. The terms "subversive" or "Un-American" cannot be reduced to definitions agreed by everyone. Some of the ideas which the Committee has labeled as subversive are: Anti-McCarran, favoring peace, opposition to higher wages, opposition to HARRY BRIDGES.

DONNER said that "the whole life of the Committee is riddled with this reactionary, benighted approach to problems and methods of solving them". It not only violates the First Amendment but: It is a new institution in American life, one which revolves upon the idea and purpose of exposure. It is a "kind of detective agency and grand jury to punish people for their ideas, beliefs, and affiliations which they have a right to hold under the First Amendment". According to DONNER, Chairman DIES recognized that Congress could not legislate in

this area, but could expose and punish by stimulating private sanctions. The HCUA is a "Star chamber having for its function punishing and stigmatizing unpopular ideas" or dissenters. DONNER stated that it is not fighting propaganda or any substantial evil in the area of conduct, but fighting people for their ideas. The HCUA has a huge file of political identification-- a huge index of people who are possible members of the opposition-- which is a hallmark to totalitarianism. Another aspect of this exposure is asking irrelevant questions in order to harass, persecute, and embarrass the victim. DONNER stated that the Committee uses each witness as a source to get more names, which names are the fuel upon which the Committee operates. To be a friendly witness you must be an informant. The logic of the Committee position compels it to put on a show and it is like a "gladiatorial spectacle". The Committee takes no chances on public opinion in accomplishing its penal purpose--it uses publicity and press releases and takes pride in the results of its sanctions.

The HCUA uses organizations to broaden the scope of its operations and in a humorous vein DONNER mentioned the Sweethearts of Servicemen and the Teen Age Art Club, laughing at the reasons for their being "Subversive".

It is to be noted that Sweethearts of Servicemen has been cited as a subsidiary Communist front created by the American Youth for Democracy. (California Committee on Un-American Activities, Report 1948, P. 186.)

It is to be noted that the Teen Age Art Club has been cited as "a Los Angeles branch of the American Youth for Democracy. This group held an art exhibit in June, 1947 at the Los Angeles Museum. MARTY LURNER, Chairman of the American Youth for Democracy in Los Angeles, was in charge of the exhibits". (California Committee on Un-American Activities, Report 1948, P. 188.) CALIF

DONNER ridiculed certain questions which have been asked witnesses in the past by the Committee and laughed at organizations whose names sound innocuous as being subversive. He described the "Subversive Guide" as propaganda published by the HCUA. The Committee functions not only as an evaluator of propaganda, but as an originator (such as the list of subversive organizations). He felt that a complete disregard of time was an objectionable feature, saying that an action in 1934 was considered like it was yesterday. Group formation is a fruitful thing, used to achieve progress and to change the world. But the Committees have

made "joining" bad. DONNER mentioned intervening in labor disputes as a familiar tactic used by the Committees. He said that there are two yardsticks for condemning an organization: Guilt by parallelism (whether or not the aims and purposes parallel those of the Communist Party), and Guilt by selective journalism. Those in the organizations are then condemned by the process of guilt by association. Saying that "people don't realize what this terrible growth is", he claimed that the Committee has lost all ties to constitutional government as we know it. Only one-tenth or less of its time is spent on legislative matters and "the tail of legislation wags the enormous dog of exposure". The HCUA punishes and clears political sinners, according to DONNER, and is used by some as a means of getting clearance or a stamp of political orthodoxy. He characterized the HCUA as "a partisan political system freely operating" in a realm other than legislation and as a completely illegal and unconstitutional action. He said that if you have the right to belong to an organization you have the right to belong without this political examination. You must be able to exercise the right in private and exposure is incompatible with the basic freedoms. Compulsory disclosure is "like making Jews wear the Star of David on their sleeve".

DONNER closed by saying that there is today more of a fight for freedom in this country than during the past 100 years. He said that he hopes the New Haven Civil Liberties Council will fight against this unconstitutional threat to personal rights.

Confidential Informants T-3, T-4, T-5 and T-6, of known reliability, who are familiar with some of the Communist Party activities in the Norwalk-Bridgeport area, report that they have no knowledge of the subject being engaged in any Communist Party activities in that area.

NH 100-14085

ADMINISTRATIVE PAGE

INFORMANTS

Identity of Source	Date of Activity and/or descrip. of information	Date Received	Agent to Whom Furnished	Location
T-1 SA'S [redacted] [redacted] who attended meeting as set forth in instant report.	12-16-53	12-22-53		Instant Report b6 b7C b7D
T-2 [redacted]	Used for documentation.			
T-3 [redacted]	Negative Info.	12-22-53	SA [redacted] [redacted]	Instant Report
T-4 [redacted]	Negative Info.	12-22-53	SA [redacted] [redacted]	Instant Report
T-5 [redacted]	Negative Info.	12-22-53	SA [redacted] [redacted]	Instant Report
T-6 [redacted]	Negative Info.	1-10-54	SA [redacted] [redacted]	Instant Report

One copy of this report is being furnished the Washington Field Office inasmuch as the House Committees are attacked herein by the subject.

Two copies of this report are being furnished to the New York Office inasmuch as the subject is a practicing attorney in New York.

NH 100-14085

ADMINISTRATIVE PAGE

No request is being made of the Bureau to interview the subject at this time because of his statements and attitudes set forth in instant report.

It is also to be noted the subject resides in the Village Creek area of Norwalk, Connecticut, an area which has come under considerable discussion and publicity during the past week in the local newspapers, as well as on the radio and television.

The New Haven Office will continue to maintain the subject's name in the Security Index.

REFERENCE: Summary Report of SA MAX M. BAYARD, JR., dated 9-21-53 at New York.

124622

SAC, New Haven (100-14085)

May 3, 1954

Director, FBI (100-25688)

FRANK JORIS DONNER
SECURITY MATTER - C

Enclosed is a Photostat of an article appearing in the April 10, 1954, issue of "The Nation" written by one Frank J. Donner believed to be identical to the subject.

You should review the article for information of pertinence to this investigation and include this information in the next report submitted by you in this case.

Enclosure

NOTE ON YELLOW:

Subject on SI. He is a New York lawyer, associates with CP members, affiliated with CP front groups, pro-Communist. Participated in the defense of Smith Act subjects in Pittsburgh. A Photostat of article attached for subjects file. Original in FBI Library.

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The

INFORMER

by Frank I. Donner

DURING the past year the political inquisition of the post-war period took a sharp turn and began to be directed against liberal democracy, which it attacked as a "mask for treason." In this attack the role of the informer is pivotal. It is the informer who can improvise the sensational revelations that will invest the normal functioning of democracy with conspiratorial trappings. It is largely through his testimony that the circle of "plotters" can be widened to

include New Dealers, miscellaneous liberals, home-grown radicals, and independent left-wingers. It is his ledger-main that makes "Communists" of trusted figures in American political life and substitutes for the terminology of the old Dies committee—"fellow-traveler," "pink," and "parlor Socialist"—the new jargon of "spies," "conspirators," and "agents." A great many years ago Sir Erskine May observed that the relation between political informers and

the government that uses them is one of "extreme delicacy," and that the character of the political informer is usually "so odious" that his ignominy is bound to be shared, sooner or later, by the government that uses him. And so it is today. I hope to show in this article that the continued use of political informers offers a grave threat to the American tradition of individual freedom and fair play and to the preservation of national unity and morale.

THE ROLE OF THE INFORMER

TODAY scores of political informers, most of them ex-Communists, have become citizen-sitting witnesses, appearing again and again in Smith Act and similar prosecutions, deportation proceedings, and before legislative committees. (It is, of course, sometimes difficult to distinguish between the political informer who says that he joined an organization only to spy upon its members and its activities and the witness who was once an authentic member but has since renounced his former faith. But however valid the distinction may be in other contexts, it has little relevance to this article.) Almost every day their testimony is helping to send someone to jail or ruining someone's reputation or disrupting a home by bringing about the deportation of some member of the family.

The demand for the services of political informers is fed by the frequently sensational stories they tell on the witness stand. The more they talk, the

more they are in demand; and the more they are in demand, the more they talk. The political informer has become the star witness—the main attraction—in the circus-like hearings staged by Velde and McCarthy. His accusations, headlined in the press, have come to represent a kind of informal indictment or public presentment. The denials or other statements of the persons accused seldom appear at the same time but usually trail the accusations by days or even weeks. Often the accusation is first made in executive session and then "leaked" to the press. In either case, the victim gets his public hearing only after sensational disclosures have created so much prejudice against him that no defense he may offer is likely to be effective. It does not matter that the informer's testimony is often stale or mere hearsay based on hearsay. Benjamin Gitlow ceased to be a member of the Communist Party in 1929, Joseph Kornfeder in 1934, Manning Johnson in 1940, Paul Crouch in 1941, Louis Budenz in 1945. In some types of political prosecutions, as in conspiracy cases, it is always possible to make use of these ancient recollections.

For example, Paul Crouch has repeated to a number of juries in Smith Act prosecutions the story of how he plotted in Moscow twenty-five years ago to "knock out" the Panama Canal and conferred with members of the General Staff of the Red Army, including the late Marshal Tukhachevsky, on methods of infiltrating the armed forces of the major capitalist powers.

No statute of limitations bars the curiosity of Congressional probers. The staleness of the charge against a man is apparently as immaterial to them as the staleness of the testimony on which the charge is based. They have even permitted informers to accuse the dead. Appearing before the House Committee on Un-American Activities some years ago, Mrs. Mary Stalcup Markward, an informer for the F. B. I., testified for hours "without benefit of any notes," recalling the names of dozens of Communist Party members and their wives' first names, and fixing the exact dates of meetings which had taken place five or six years previously (New York Times, July 12, 1951, page 9). But her recent testimony that Mrs. Annie Lee Moss,

FRANK I. DONNER is a New York lawyer who specializes in constitutional law and civil liberties.

Army Signal Corps employee, was once a member of the Northeast Club of the Communist Party in Washington, was denied under oath by Mrs. Moss without qualification.

Fear of a perjury prosecution, coupled with the procedure of cross-examination, will usually hold a witness to a reasonably accurate version of facts within his knowledge. But the threat of a perjury prosecution has lost much of its force in the case of political informers. Even when a political informer's testimony has been sharply contradicted, and by a number of witnesses, perjury prosecutions have not been initiated against him. Any prosecutor who has obtained convictions by the use of an informer's testimony is likely to be reluctant to proceed against the informer. If a test of veracity is made, the proceeding will probably be undertaken against the accused, not the informer. An awareness

of this probability has induced some individuals to invoke the protection of the Fifth Amendment rather than run the risk of a perjury indictment by contradicting the testimony of an informer. It has also given the informer a giddy sense of power.

But the real basis of the informer's power is not found solely in the weakening of traditional legal sanctions. The root of the matter is that the political informer is coming to be regarded as a social hero, as an exalted being endowed with special authority, insight, and reliability. "Curiously enough," wrote Richard C. Donnelly in the *Yale Law Journal* of November, 1951 (Vol. 60, p. 1126), "the political informer, spy, or agent provocateur is not now regarded with the same opprobrium as his brother who participates in other types of crime. Public opinion being what it is, his credibility is at a premium. His

veracity count exceeds that of his more orthodox and less eccentric fellows. He may admit to all kinds of past knavery and mendacity, but the greater his self-abasement the greater his claim to belief. That he now acts from patriotic motives is conclusively presumed." Political informers have been honored by being given the keys to the city (Budeniz in Boston), by special days in their honor (Cvetic Day, Philbrick Day), and by banquets at which they have received various awards and citations for Americanism. Proposals have even been advanced by members of Congress to award informers medals of gallantry similar to those given soldiers for gallantry on the field of battle (see *New York Times*, July 12, 1951, p. 9). Under such circumstances the informer is likely to feel that he can get away with anything, and more often than not events justify his optimism.

THE GAME OF HARE AND HOUNDS

AS INFORMERS grow in number and in power, it is not surprising that the ordinary citizen begins to look with suspicion at his neighbors and associates.

"We are dividing," to quote Bernard De Voto (*Harper's*, October, 1949), "into the hunted and the hunters." Once the political informer is regarded as a hero, there is reason to fear him. The fear, in most cases, is not of the truth that the informer may reveal but of the power he possesses to distort the truth, or to traduce it. And there is always the very real chance of mistaken identity. Perhaps the best-known case of this kind is that of Anna M. Rosenberg, who was nominated to be Assistant Secretary of Defense by President Truman. An ex-Communist, Ralph De Sola, swore that Mrs. Rosenberg had been a member of the John Reed Club when he was a member. Despite Mrs. Rosenberg's categorical denial, De Sola insisted on the accuracy of his identification after a direct confrontation. (Hearings of the Committee on Armed Services, United States Senate, Eighty-first Congress, Second Session, Part 2, p. 117.) As a person of prominence and standing, Mrs. Rosenberg was able to win vindication, but a victim less favorably placed might have been ruined by De Sola's testi-

mony. De Sola, it should be noted, was never prosecuted.

Any steady newspaper reader must realize that political informers are under great pressure to provide the Congressional committees with a never-ending flow of new names, since each batch of new names means more sensations, more headlines. This kind of pressure is not exerted solely on professional informers. To win "clearance" for a job in motion pictures individuals have been asked to furnish "lists of names," with the cynical comment in some cases that since A has already been named by some other witness it will not hurt him to be again named. Those named are in turn called up and asked to name others. Individuals are torn between the necessity of earning a livelihood and their reluctance to forfeit their sense of personal integrity. Witness the case of the Hollywood actor whose counsel asked the committee to excuse him from naming others since he was generally "cooperative." Said counsel: "It is only saving that little bit of something that you live with. You have to see and walk in Hollywood with that. You have to meet your children and your wife with it and your friends. It is that little bit that you want to save. . . . [The witness's] honest and

sincere opinion is that what he is going to give you will eat up his insides and you will get nothing, no more than you have today." (Hearings of the Committee on Un-American Activities, March 21, 1951.) But in the end the names were given.

The hunt for names has become a game of hare and hounds marked by a paper trail of subpoenas. Last year, when a former West Coast newspaperman turned over to the Un-American Activities Committee a long list of names, Representative Donald Jackson hailed it as "one of the choicest crops of Communists this committee has ever received." Committee representatives have been known to plead with those who have already appeared: "Can't you give us just one more name?" Failure to name names, indeed, "clouds" the sincerity of the ex-Communist's recantation. In actual practice, therefore, it would seem that just as the only reliable anti-Communist is the ex-Communist, so the only bona fide ex-Communist is the informer.

It is not only the Congressional committees that are exerting pressure on us to become a nation of informers. F. B. I. agents often visit persons whose names appear on various 'subversive' lists and

urge them to "clear" themselves by supplying the names of associates, past or present. A person's relatives, friends, neighbors, teachers, employers, and servants may be harassed solely by reason of some chance reference to them. Information so obtained was once kept confidential; now it not infrequently turns up in the hands of the various committees. In the wake of various investigations, teachers in the New York City school system have been ordered to name former associates in organizations to which they once belonged or to face dismissal. Writing in a January, 1953, issue of *Woman's Day*, J. Edgar Hoover warned that women members of the Communist Party "outwardly . . . are ordinary citizens, like the woman in the next block, the wife of the local business man, or the mother of little Bobby." He urged "the women of America" to report immediately "any definite information" to the F. B. I. In *This Week* of November 3, 1953, he urged ex-Communists to turn in the names of past and present party members, since "the old member who may give every indication of having dropped out of the party may actually be operating on an underground assignment." In view of such official pronouncements it is not surprising that various organizations—local "anti-Communist" committees and the like—have created name-collecting and snooping agencies even in villages.

The F. B. I. is required of course to do a great deal of checking-up on personnel for various federal agencies. In the course of these investigations much miscellaneous information is collected, including rumor, gossip, and malicious falsehoods, as well as facts about innocent errors. The F. B. I. has always insisted that it does not "evaluate" information of this sort and that it treats it as confidential. But the extent of the

"checking-up" that is nowadays being done intensifies fear of the informer and spreads suspicion and mistrust. Here and there voices have been raised in protest against the growing power of the F. B. I. as a political police. Dean Carl W. Ackerman of the Columbia University School of Journalism has announced that he will no longer cooperate with federal, state, or police agencies investigating his students "except on written request and advice of counsel." He pointed out that federal agencies "interview professors, public-school teachers, and references, and follow up leads like prosecuting attorneys. . . . Students are 'tried' secretly without their knowledge and without an opportunity of explaining or defending their records before their employment by any governmental agency." As a result, he said, silence on controversial subjects in private conversations as well as in classrooms is "becoming so prevalent that it is dangerous to our liberty."

ALTHOUGH Attorney General Brownell has denied that the Senate Permanent Investigating Committee has access to the confidential files of the F. B. I., the denial has not impressed Senator J. William Fulbright. Senator Fulbright is convinced that McCarthy's committee "gets any information it wants from those files, whether the information has been authenticated or not." (Associated Press, March 14, 1954). Since he feels that the information is being misused, Senator Fulbright has announced that he will no longer give F. B. I. agents his "private opinions and judgments." While President Eisenhower has said that the files of the F. B. I. will remain "inviolate" as long as he is President, he has conceded that summaries and factual information relating to loyalty and security files have been turned over to

Congressional committees. And the fact that Mr. Brownell used material from the files of the F. B. I. to make a partisan political attack on a former President is further evidence that these files are not kept strictly confidential.

Misuse of the information, even if it has occurred in only a limited number of cases, has had the effect of heightening public fear of the informer. In the last year or so the press has carried numerous stories indicating that people are increasingly wary about responding to polls, that it is becoming difficult to get signatures to routine nominating petitions; and by inference it may be assumed that the F. B. I. is meeting with a new reticence and wariness in its personal interviews. For Senator Fulbright is not alone in his realization that "in this atmosphere that McCarthy has created, you can go back and crucify a man for something he did twenty years ago."

In at least one case (75 F. Supp. 620), a judge has granted an injunction against the appearance and note-taking of police at a union meeting on the ground that their presence constituted an interference with the freedom-of-speech-and-assembly provisions of the First Amendment. But as Richard Donnelly pointed out in the article cited above, "the likelihood that spies are present may have an even more demoralizing and disruptive effect upon discussion and assembly than if their identity is known."

So many informers are at work now that they sometimes collide. Matthew Cvetic, testifying before the Committee on Un-American Activities in 1950, named George Dietze and Joseph Mazzei as members of the Communist Party in Pittsburgh, and as a result both men lost their jobs. Dietze immediately protested, claiming that he too was an F. B. I. agent. Mazzei held his fire; not until three years later, in a prosecution in Pittsburgh, did he reveal that he too was an informer. As might be expected, Cvetic had informed on Mazzei, just as Mazzei had informed on Cvetic.

The boldness and zeal of the political informers is also increasing. One informer testified that he recruited three members of his family into the Communist Party and then reported their names to the F. B. I. Another has admitted enrolling his brother-in-law—without the

The Informer: Self-Portrayed

THE informer is different, particularly the ex-Communist informer. He risks little. He sits in security and uses his special knowledge to destroy others. He has that special information to give because he knows these others' faces, voices, and lives, because he once lived within their confidence, in a shared faith. . . . If he had not done those things he would have no use as an informer. Because he has that use, the police protect him. When they whistle, he fetches a soiled bone of information. . . . He is no longer a man. He is free only to the degree in which he understands what he is doing and why he must do it. Let every ex-Communist look unblinkingly at that image. It is himself.—*Whittaker Chambers in "Witness."*

latter's knowledge—and then turning in his name. Still another informer has admitted that he invented scores of names to turn in. Several have testified that as party members they won recruiting prizes. (These and similar examples appear in the records of the New York Smith Act trials.) Not infrequently the informer is an agent provocateur, as is seen in this excerpt from the testimony of Herbert A. Philbrick under cross-examination in 1951 before the Subversive Activities Control Board. (Phil-



brick, it should be noted, asserts that he had established contact with the F. B. I. before joining the Communist Party.)

Q. Did you keep a list of those people from whom you obtained money, non-Communists?

A. A list was kept in the files of American Youth for Democracy. I had no list.

Q. Did you turn in the names of the contributors to the F. B. I.?

A. Yes.

Q. Even though they were non-Communists?

A. Yes, sir.

Q. Even though they contributed to the A. Y. D. at your solicitation, as a result of your solicitation?

A. That is right.

THE MAKING OF AN INFORMER

THE motives of the political informer are highly complex. "Why," asks Donnelly (*op. cit.* p. 1126), "does an apostate turn against his former comrades? Psychiatric studies are wanting. Surely he does not invariably act from patriotic motives alone. Conceivably, he is moved by hate, fear, revenge, or perhaps a pathetic desire to regain status and respectability. If he has meanwhile embraced a new dogmatism, his retaliation may be a form of expiation or atonement—his denunciation, a rite of absolution. The spy too may act from motives not entirely honorable. He may be stirred by revenge, fear, hate, or pecuniary considerations. He may be just a neurotic busybody." It should never be forgotten that the ex-Communist who is not a genuine apostate might be subject to prosecution as an accomplice.

While it is obvious that political informers, like other types of informers, are not likely to be paragons of virtue, the number who have good reason either to fear the law or to ingratiate themselves with law-enforcement officers is disturbingly large. The informer Mazzei pleaded guilty last year in a Pittsburgh court to an adultery and bastardy charge. Later he sought to retract the plea on the ground that he had entered it on the advice of the F. B. I., which, he said, wanted to avoid the embarrassment a public trial on this charge might create for a man they intended to use as a government witness in the Pittsburgh Smith Act prosecution. The F. B. I. denied having given him the advice, and the court refused to quash the plea. Records show that William H. Teto, by his own account an informer

for the last twelve years, was twice arrested on charges of being absent without leave from the army and several times for larceny. Dewey Price, another informer, has a record that includes three criminal convictions. Paul Crouch served time in Alcatraz Prison. Other examples might be given.

THE existence of a large and growing body of anti-subversive legislation, state as well as federal, has greatly increased the government's power to compel the cooperation of informers. In most cases the pressure is implicit in the situation. In the Hawaiian Smith Act prosecution, Henry S. Toyama, who had earlier sworn that he was not a Communist Party member, conceded from the witness stand that he was making "a reasonable assumption" that he would not be prosecuted for perjury because of his cooperation with the prosecution. In the most recent trial of Harry Bridges, a seaman named James Stewart gave an affidavit to the effect that he had repeatedly been induced to give false testimony concerning Bridges "under the threat that proceedings would otherwise be taken against me." The fact that so many informers live under the shadow of some prior cloud—fear of being charged as an accomplice, fear of deportation, fear of being charged with perjury—constitutes valid ground for careful scrutiny of their testimony and explains why many anti-Communists are reluctant to accept it.

The ex-Communist political informer often exhibits a special brand of bias. Who can read the embittered tirades of a Gitlow, a Crouch, or a Budenz with-

out sensing it? Budenz has insisted that ex-Communists are "the most truthful people in the world" because they have had a "resurrection within themselves." But what strange "resurrection" led Benjamin Gitlow to testify as he did at the deportation hearing of the late Lewis Corey, one of the leading anti-Communist intellectuals in the United States for thirty years, that he had no reason to know of Corey's anti-communism? This is a strange lapse by the dean of American anti-Communists. Could it be that Gitlow had forgotten that in 1919 he and Corey were bitter political rivals, each presiding over conventions of different factions of the Communist Party? That Corey then used another name would hardly account for the lapse.

Often other brands of bias appear in the testimony of the ex-Communist. Take the case of Ralph De Sola, who testified against Anna M. Rosenberg. His former wife, Helen Winner, was called as a witness before the Senate Committee on the Armed Services. After Miss Winner denied knowing Mrs. Rosenberg as a member of the John Reed Club, she testified as below:

Senator Hunt: Would you care to tell the committee while you were married with Mr. De Sola, would you say that he was friendly to the Jewish people?

Miss Winner: I would say this: that Mr. De Sola, who was half a Jew and half not, has a great deal of conflict in his own mind on the subject. I think he makes a cause of it. I mean, I think what he is inclined to do, you see, is when he has failures of his own in the outside world of one sort or another, he will always project it on some outside situation; that is, he is not the kind of person ever to say, "Maybe it is my fault."

Louis Budenz

IN 1950 Senator Dennis Chavez of New Mexico, a Catholic and a conservative, made a speech from the floor of the Senate on the subject of Louis Budenz. He opened by describing Budenz as "America's No. 1 professional witness in all matters concerning loyalty, patriotism, and political reliability." Reminding the Senate that the former *Daily Worker* editor had been using the authority of the Catholic church in his anti-Communist activities, Chavez declared Budenz to be guilty of bigamy under New York law since he was involved in a common-law marriage with one woman while married to another. Chavez went on: "Budenz likes to attribute his sordid past to the corrupt influence of the Communist Party, but this is hardly correct inasmuch as his depravity reached its depths before he joined the Communists in 1935, at the tender age of forty-four."

The Senator urged that Budenz be required to list immediately the names of all his Communist colleagues, lest through his "surprising flashes of memory" he make new exposures for political purposes. "Regarded as an infallible authority on Communists and communism," Budenz, Chavez said, "could pass no test of credibility. . . . In an immigration proceeding when he was under oath he refused to answer twenty-five questions on the grounds that the answers might incriminate him." Chavez then expressed his fear that Budenz was being developed as a tool for the destruction of the democratic process and declared that "many innocent persons are convicted by perjured testimony possibly given by someone like Budenz." He added: "As a private citizen and a public witness, this man has impeached and exposed himself as a devious, conspiratorial, warped personality who uses words and information as instruments

of propaganda and not for their intrinsic truth. Budenz is constitutionally unable to give a straight answer, justifying his foul means by the perverted ends he seeks. I do not think he knows truth from falsehood any more."

WAS the Senator's characterization too strong? It may be best tested against Budenz's own performance—a leading one—in the famous Lattimore case. In its investigation of Senator McCarthy's sensational charges about "card-carrying Communists" in the State Department and his reference to Owen Lattimore as the "top Communist agent" in the United States, the Tydings committee heard from Louis Budenz. At the outset a curious fact emerges from his testimony. According to his own admission, he had given some three thousand hours of his time to the F. B. I. from 1946 to early 1950. But he first identified Lattimore as a Communist in 1950 before the Tydings committee. Even then his testimony was unusually circumspect. He said that at Communist meetings in 1937 and 1943, neither of which Lattimore attended, Lattimore was discussed as though he were a Communist. Budenz then said that in 1944 a prominent Communist had advised him to consider Lattimore as one; he recalled, further, that an onion-skin paper had been circulated within the party which designated Lattimore in code as a Communist.

Pressed as to Lattimore's precise party status, Budenz referred to him as a Communist "under discipline," who had no "vestige of party membership about him." But this, the witness insisted, was the equivalent of membership, since one came "under discipline" at the express order of the party leadership. As Senator Chavez remarked, in the face of this type of evidence the only individual who can prove he is not a Communist is the self-acknowledged ex-Communist.

But Budenz reckoned without the assiduity and good fortune of Lattimore's counsel, who discovered an interesting episode in Budenz's career. In a series on China he had written for *Collier's*, Budenz mentioned Lattimore, but not as a Communist. Before publish-

ing the articles Leonard Paris, *Collier's* editor, called Budenz into his office, and the record of the conference contains the following colloquy:

Q. You are not saying that [Lattimore] acted as [a Communist agent] in any way?

A. No.

Q. That ought to be quite clear.

A. Oh, yes.

(Hearings before a subcommittee of the Senate Committee on Foreign Relations, April 20, 1950.)

Asked to explain the contradiction, Budenz gave the Tydings committee an answer so involved as to be almost impossible to summarize. Among other things he mentioned his fear of a libel suit, although it is difficult to understand how the record of a private conversation could furnish the basis for one. He also managed to suggest that Paris was somehow involved in an effort to trap him. He referred to the editor's "peculiar questions, which indicated to me that he might have a particular viewpoint"; he noted that the "peculiar questions" required him to "answer them in such a way as will not involve me in those difficulties which I know the Communists would be very delighted to involve me."

In a subsequent committee session Senator Green asked Budenz why, in his original attempt to explain the contradiction in testimony, he had said of his conversation with Paris: "Well, this was a conference. It wasn't under oath." Did the witness, then, make a distinction between answers under oath and those not under oath? Senator Green asked. Budenz retreated from the question by again insisting that he had been afraid of a libel suit and that he had thought Paris's question was "peculiar." The following exchange then took place between Senator Green and Budenz:

Q. You mean under those circumstances, you are willing to put them off by stating something that is not true?

A. Well, I would not say—"not true"—but that doesn't make the matter. . . .

Q. What expression would you prefer, having the same meaning—"false"? How would you put it? Put it in your own words.

A. Well, I would say, Senator, this: That for me to say to Mr. Paris that Mr.

*This article is neither biography nor psychological monograph. Basically it is concerned with the role of the political informer in fostering fear in an age of suspicion. It is in this context that certain features of the case histories of some of the better-known informers are presented. Two of the best-known—Elizabeth Bentley and Whitaker Chambers—have been omitted, since their stories have been reviewed and examined many times.

Lattimore was a Communist agent, in the way that Mr. Paris was pressing me, would have been of no advantage to the article, and would have, at the same time, been a matter of attack upon me. (*Ibid.*)

In the course of the later hearings before the McCarran committee, Budenz was confronted with some of Lattimore's anti-Soviet and anti-Communist writings. But the witness had a ready explanation: certain individual members often received special dispensation from the "Polburo" to criticize the party and the Soviet Union as a form of protective political coloration. Communist organs, he added, themselves protect "secret Communists" by openly criticizing or denouncing them. Thus to the theory of guilt by association Budenz adds the theory of guilt by opposition.

Indeed, among all the informers Budenz is the undisputed master of what may be termed the built-in justification or alibi. His most adroit use of it was perhaps his explanation of why he failed in his early anti-Communist writings to name as Communists certain individuals whom he subsequently listed in Congressional hearings. Budenz declared that in 1945 the Communist Party had decided to encourage any secret party member who was publicly named as a Communist to sue for libel. Knowing about this "secret" directive, he was merely being cautious in not naming all those that he knew to be Communists!

Testifying before the McCarran committee on Henry Wallace's mission to China, Joseph Alsop, the well-known columnist, characterized some of Budenz's testimony as "misleading and untruthful . . . inherently incredible," and charged that Budenz was guilty of gross distortion and deception. Yet despite this and other impressive evidence contradicting Budenz's testimony, he continues to appear as a star witness before Congressional committees and in government prosecutions.

AS IN the case of Lattimore, it took Budenz a long time to name John Carter Vincent, a high-ranking foreign-service officer, as a Communist. Testifying before the Tydings committee in 1950, Budenz said that he would prefer not to discuss Vincent. The following year, before the McCarran subcommittee, he identified some two dozen individuals as party members, citing "official reports."



Gropper

Asked whether Vincent was a party member, he replied: "From official reports that I have received, he was." The belated recognition of Vincent as a Communist by "official report" was an even more striking "resurrection" than the similar identification of Lattimore, since Budenz had allegedly known of Vincent's membership since 1944. In view of the fact that Mr. Dulles specifically found that Vincent was not a security risk and that he could *not* find, "on all the evidence," that there was reasonable doubt as to his loyalty, (*New York Times*, March 5, 1953) it is clear that the Secretary did not believe Budenz.

Alsop has characterized the kind of testimony Budenz gave against Lattimore and Vincent as "the highly novel technique of the belated recognition and the hearsay accusation of treason." The hearsay aspect makes it virtually impregnable against a possible charge of perjury. Budenz could not be expected to produce secret "official reports" that John Carter Vincent was a Communist Party member any more than Vincent

could be expected to be able to produce documentary evidence supporting his denial. How many people are in possession of documents proving that they are *not* members of the Communist Party?

Budenz's extraordinarily sensitive reaction to the needs of the moment is also apparent in his testimony concerning Harrison Forman, a well-known writer on Chinese affairs. In 1950 Budenz told the Tydings committee that Forman was not, "as far as [he knew], a Communist." Before the McCarran committee a year later he stated unequivocally that he "knew Forman was a Communist from official reports." The next day—"perhaps after a quick glance at the Tydings transcript" as the Alsop article noted—he changed his testimony to say that Forman was only a fellow-traveler.

In 1952 when Budenz testified before the House committee investigating foundations, the technique of the "belated recognition and hearsay accusation" was again evident as he proceeded to name as Communists by "official report" many

individuals that he had never before so labeled. This time he had an ingenious explanation: he announced that the Cultural Commission of the Communist Party had a body called a "subcommission on foundations," and "the not too specific" reports of the subcommission were the source of his information. A short time later he appeared as a witness in New York in connection with hearings under the Feinberg law and testified that Dr. Robert M. Hutchins, former president of the University of Chicago, was "a victim of Communist influence," which, he implied, explains why the university's list of great books includes Marx's "Capital" and "The Communist Manifesto"! He also said that Senator Borah had been "affected by Communist propaganda" and that Senator Vandenberg "could have been influenced by the Communists through their infiltration."

Paul Crouch

ONE of the most voluble of the informers, Crouch has had an interesting career. He joined the army in April, 1924, intending to "make aviation [his] life occupation" and was almost immediately transferred to Hawaii. Less than a year later he was court-martialed as a result of his activities in the Hawaiian Communist League. According to Honolulu newspaper reports of the court-martial proceedings, his army enlistment was "for the purpose of fomenting revolution, both in the garrison and in the civil population of Hawaii." He was sentenced to forty years, which were later commuted to three. With time off for good behavior, he was released from Alcatraz in June, 1927.

Crouch confessed to a penchant for fabrication in an interview printed in the Honolulu *Star Bulletin* of April 7, 1925. Explaining how he had come to write a letter which was not exactly truthful in content, he told a reporter: "I am in the habit of writing letters to my friends and imaginary persons, sometimes to kings and other foreign persons, in which I place myself in imaginary positions. I do that to develop my imaginative powers. That is why this letter is semi-fiction." Since he has become an informer, one position in which Crouch has placed himself, according to his own testimony, is that



of a Marxist *Wunderkind*: "Between the ages of ten and twelve [while living on a North Carolina farm] I began serious reading of such Marxist literature as Marx's 'Value, Price, and Profit,' and the 'Communist Manifesto,' Bebel's 'Woman and Socialism,' Engel's 'Origins of the Family' and after the age of twelve, approximately, proceeded to more serious works like Fuerback [sic], 'Das Capital,' and many other fundamental writings of Marxist economics and philosophy." At the age of fourteen, Crouch now says, he "followed all details of world affairs with very close interest." (Testimony before the Subversive Activities Control Board, July, 1951, and before the Immigration and Naturalization Service in the matter of Halberson, 1950.)

IT WAS in Chicago, in September, 1927, that Crouch got his first Communist Party membership book. In December of that year, six months after his release from Alcatraz, he went to Russia, where he now says he conferred with high officers of the Red Army's general staff, including General Tukhachevsky. According to his testimony, the Red Army generals presented to this twenty-four-year-old ex-private of one year's military experience detailed plans "they had formulated for penetration of the American armed forces." He says also that he was made an honorary colonel of the Red Army, reviewed the Budenny division, and lectured at the Frunze Academy, Russia's West point.

Crouch's credibility was dealt a direct blow recently when a federal jury de-

cided unanimously in favor of the plaintiff and awarded damages of \$5,000 in a libel suit brought by Armand E. Scala against the Hearst press. The action grew out of a series of blood-and-thunder stories by Crouch published in the Hearst papers in May, 1949. In one of these Crouch had described Scala, then an officer of Local 500 of the Transport Workers' Union and an employee of Pan-American Airways in Miami, as "the chief courier for the party in Latin America," traveling "to Buenos Aires and Rio de Janeiro frequently on party business." The jury found for Scala after learning the strange circumstances surrounding the birth of this literary enterprise.

Twelve days before his story of Scala's courier service for the Communists was to appear in the nationally circulated Hearst newspapers, Crouch testified in his Congressional debut before the House Un-American Activities Committee:

Q. Do you know Arman Schaller [sic]?

A. Very well, with Local 500.

Q. Is he a member of the Communist Party?

A. I do not know . . . I do not know of my own knowledge what his party affiliations are. (Hearings before the House Committee on Un-American Activities, May 6, 1949.)

Not a word here about Scala's alleged travels on party business. In order to dispel the doubts cast on the articles by this vital omission and in the hope of giving Crouch's charges a privileged libel-proof status, the managing editor of Hearst's Miami *Daily News* introduced into the records of the committee, meeting in executive session on May 11, the series of articles, as yet partially unpublished, and several affidavits by Crouch adding to his previous testimony. In one of these he asserted: "Another member and officer of Local 500 I know to be active in the Communist work in Miami is Armand Scala. Scala has been the chief Communist courier to Latin American countries, making trips without charge on Pan-American Airways as far as Rio de Janeiro, Brazil, and Buenos Aires, Argentina."

Even here there is no statement that Scala was a Communist Party member. On May 16, 1949, while his articles were appearing all over the country, Crouch was again in Washington, this time testifying before the Senate Sub-

committee on Immigration and Naturalization. Now he had "every reason" to know that Scala was a "very active Communist," but his knowledge of Scala's courier service was attributed to unparticularized gossip: "Many references which I have heard around the office indicate beyond any doubt in my mind that he was acting as chief courier to Latin America." It was not in fact until September 20, 1949, that Crouch's memory had jelled sufficiently to enable him to designate Scala unequivocally as a Communist Party member.

The adverse jury verdict has not affected Crouch's standing as a political informer in court proceedings or administrative hearings or before Congressional committees. He is still a consultant for the Immigration and Naturalization Service and a member of Duquesne University's Institute on Communism. Recently he testified in New Orleans before Senator Eastland, who was sitting as a one-man inquisitor for the Senate Internal Security Subcommittee. While Eastland barred any cross-examination, Crouch was permitted to refer in slanderous terms to Virginia Durr, sister-in-law of Justice Hugo Black and wife of Clifford Durr, a member of the Federal Communications Commission from 1941 to 1948. He had already testified that Mr. Durr was a Communist. Both Mr. and Mrs. Durr flatly denied that they were members of the Communist Party, and Mr. Durr challenged the committee to bring about his or Crouch's indictment. In the same hearing Crouch referred to Joseph Lash of the New York *Post* as one of five individuals who had tried to obtain information from the White House for the Soviet Union from the early 1930's to 1942. Mr. Lash in a statement to the committee wrote: "Paul Crouch lied in his statement about me."

Manning Johnson

A DEPARTMENT OF JUSTICE informer, Johnson has testified in about twenty-five court cases and a number of Congressional hearings. In the second trial of Harry Bridges he testified that the West Coast waterfront leader had been present at a Communist convention in New York City on June 27 or 28, 1936. But Bridges presented six witnesses, a number of newspaper re-

ports, and other documentary evidence to prove his presence at a longshoremen's meeting in Stockton, California, at a time which made it physically impossible for him to be in New York on the days mentioned. On the basis of this evidence counsel for Bridges demanded that Johnson be charged with perjury. The trial judge refused immediate action but directed Johnson to hold himself in "readiness for the processes of this court until the conclusion of the trial." To date no action has been taken against him.

In 1951 Johnson testified before the Subversive Activities Control Board. On cross-examination the witness confirmed that he had given evidence in a Pennsylvania sedition trial as follows:

Q. In other words, you will tell a lie under oath in a court of law rather than run counter to your instructions from the F. B. I. Is that right?

A. If the interests of my government

are at stake. In the face of enemies at home and abroad, if maintaining secrecy of the techniques of methods of operation of the F. B. I., who have responsibility of the protection of our people, I say I will do it a thousand times.

In the Pennsylvania sedition case he admitted that he had testified falsely in the deportation proceedings against one Nat Yanish in 1948.

Q. That testimony was not correct, was it, Mr. Johnson?

A. No, it wasn't precisely, because I could not at that time reveal the fact that I had supplied information to the F. B. I. . . . I think the security of the government of the United States has priority over . . . any other consideration.

This kind of "patriotic lying" is to be expected perhaps of an American war prisoner or espionage agent caught by enemy inquisitors. But this was an American board representing American law. Does a witness owe less loyalty to

Why He Voted "No"

[The following statement was prepared especially for The Nation by the only Representative who voted no on the 1954 appropriation for the House Un-American Activities Committee.]

WHEN I first went to Congress in January of 1949 I had had twenty-eight years of bitter experience trying to be of assistance to working people, whom I found to be struggling day in and day out under most adverse conditions. The early part of those years were an era when the right of workers to organize for collective bargaining was challenged by a strong employers' association, determined to crush any effort of their employees to have a voice in their economic condition. The courts did almost nothing to secure justice for the millions of wage-earners; federal and state governments failed to give them protection. That explains, perhaps, why I am so opposed to the acts and widespread hysteria I have witnessed in the past five years as a member of Congress.

In addition, there were the six trying years when I was a member of the Minnesota House of Representatives, from 1932 to 1939—years of depression and drought in Minnesota when man's spirit was put to the test. Eight breadwinners out of every ten were unemployed, in relief lines, losing everything they had ever possessed except their dignity and determination not to see their families and loved ones starve to death or lose the roof over their heads.

Desperation during those trying times prompted millions of good American citizens to rally to any cause that promised to ease their plight. And so today, as I view the witch-hunting and the accusations and the smear campaign carried on by the House Un-American Activities Committee, as well as by Senator McCarthy and his stooges and the Jenner committee, I cannot compromise my convictions or follow the line of least resistance. To me our entire way of life is at stake. I refuse to acquiesce in such demagoguery because I have become convinced that every one of these committee chairmen has succumbed to the lure of newspaper headlines and other publicity that may some day make them a national hero—or President.

While I have had to meet some bitter attacks during the past three Congressional campaigns because of my stand and votes against these sinister forces, I have also found unexpected support back home.—Roy W. Wier, Representative of the Third Congressional District of Minnesota.

the law of the land than to the F. B. I.?
And is justice for the individual to be
determined by the F. B. I. in the light
of its own concept of national security?

George Hewitt

TESTIFYING before the Canwell committee in the state of Washington, the informer George Hewitt charged that Professor Melvin Rader of the University of Washington had attended a Communist school on a farm near Kingston, New York. Rader's answer was to file perjury charges against Hewitt which the local prosecutor in Washington agreed to press. "I am convinced," announced the prosecutor, "Rader was not in New York and could not have attended the . . . sessions . . . testified to by Hewitt."

In October, 1948, the prosecutor asked the New York police to arrest Hewitt and hold him for extradition. In February, 1949, Hewitt voluntarily surrendered to the police, announcing that he would fight extradition. He did not have to fight very hard. In Washington spokesmen for the Canwell committee and other officials stated that representatives of the Department of Justice had sought dismissal of the perjury charge "in the interest of national security."

In New York an attorney moved for Hewitt's release, reminding the court that he was an ex-Communist who "because of his special knowledge of the Communist Party . . . has been frequently called upon to testify at legislative hearings, grand-jury investigations, and immigration proceedings." An affidavit signed by Manning Johnson was produced attesting to the same "facts" about Rader which the Washington authorities had found to be false. The staff of the Bronx District Attorney, Samuel J. Foley, opposed the extradition, acting as agent for the Justice Department. Hewitt was released from custody.

It was in connection with this case that Edwin O. Guthman of the *Seattle Times* won the Pulitzer prize for the best national reporting of 1949. Guthman turned up the documentary evidence which proved conclusively that Dr. Rader could not have attended the Kingston school in New York. Later Smith Troy, Washington's attorney general, released a report of his investigation of the Rader case in which he disclosed that the staff of the Canwell committee possessed conclusive proof of the truth of Rader's denials at the very moment the committee was seeking to

prove him a liar. The Attorney General had discovered that an investigator for the Canwell committee had signed a receipt for certain pages of the guest book of a lodge in Washington which proved that Dr. Rader and his wife had spent the summer of his supposed Communist indoctrination three thousand miles from New York. "In the Seattle office [of the Canwell committee]," Mr. Troy dryly commented, "the trail of the documents became very confused." The investigator who signed the receipt turned the documents over to the assistant chief investigator, who turned them over to the chief investigator, who could not remember ever having seen them.

Albert Canwell, former committee chairman, at first stated that he knew nothing about the missing sheets; when the Attorney General undertook to investigate the committee files, Canwell suddenly "found" all but the most important of them—the pages covering the Raders' arrival at the lodge. Yet one of those he did turn over carried a notation confirming the Raders' visit. This was the evidence that the Raders had been bending every effort to turn up to confirm their testimony (see *The Nation* of July 22, 1950).

THE INFORMER AND THE COURTS

THE political climate that has created the demand for informers tends to protect them in many ways. Despite the fact, for example, that the Supreme Court has said that a defendant is entitled to conduct a searching cross-examination of informers and police spies, this privilege has been very sharply limited in many recent proceedings. The courts have also been reluctant to make available to the defense for purposes of cross-examination the reports which political informers have submitted to the F. B. I. and other agencies. Here the argument is made that inspection of the reports would somehow endanger "national security."

A major difficulty for the person accused by a political informer is that he must prove a negative. It may well cost time and money beyond your means to prove, for example, that you were working in Chicago at a time when an

informer places you at a "closed meeting" in San Francisco. Even if you should succeed in collecting evidence to substantiate your testimony, there is nothing to prevent the informer from changing his testimony so as to fix the meeting at another date or place. In many cases the vagueness of the informer's testimony makes it very difficult to disprove. Often his testimony may be based on "official reports" or on the nature of certain activities or associations rather than on his personal knowledge of specific facts. This is frequently the case at Congressional hearings, where informers are not subject to cross-examination, though these hearings have taken on many of the aspects of a "trial" and some of the consequences.

On occasion, the informer is permitted to offer his own conclusions and opinions as an expert. Paul Crouch was permitted to testify in one case that

during a certain period the "Polburo" had withdrawn the requirement that members of the Communist Party must sign membership cards and had further decreed that payment of dues was not an indispensable condition to the maintenance of membership. In a case in which the government was required to disprove the defendant's contention that he had resigned from the party an informer was permitted to testify that one could leave the Communist Party only through expulsion. One may well marvel at the ingenuity of an arrangement which made it so easy, in the one case, to prove membership and so hard, in the other, to prove non-membership.

The difficulty of rebutting testimony given by an informer is enhanced by the wide scope of proof permitted in conspiracy cases. In some of the Smith Act prosecutions, for example, informers have been brought from great distances

to testify about events which took place miles from the place of the trial and at which the defendants were not present. Current interpretations of the Smith Act make the issue turn in large part on the defendant's relation to an organization, and the character of the organization is then determined by proof ranging over a long period of years. This is of course a danger in conspiracy prosecutions generally, and where, as in the case of a political organization, the number of "conspirators" runs into the thousands, the danger is much greater. A special hazard arises, too, when political informers turn up among the defendant's own defense team. In the pending St. Louis prosecution, for example, the prosecution produced as a surprise witness an informer who only a few days earlier had met with the defense attorneys and helped in preparing the cross-examination of another informer (St. Louis *Post-Dispatch*, March 18, 1954).

In some instances the press has been of immense assistance in disproving an informer's accusation. The *Chicago Sun-Times* is actively supporting the fight against the deportation of its cartoonist Jacob Burck, whom Paul Crouch named as a former party member at a deportation hearing in February, 1953. Asked at the hearing to identify Burck, Crouch pointed out the wrong man. Attempts have therefore been made to intimidate

the press through the use of informers' testimony. Harvey Matusow, employed for a time as an investigator by the Ohio Un-American Activities Committee, charged in a political speech in Montana in 1952 that 126 dues-paying Communists were on the Sunday staff of the *New York Times*—whose entire Sunday staff numbers 93. Matusow went on to say that "on the editorial and research staffs of *Time* and *Life* there are 76 hard-core Reds and in the New York bureau of the Associated Press there are 25 Communists." McCarthy later announced that he intended to retain Matusow to investigate Communist infiltration into press, radio, and television in New York.

INFORMING AS A BUSINESS*

THE political informer is generally pictured as a self-sacrificing individual who at great personal risk gives his all for his country and gets nothing in return except acclaim. The truth is quite different. Political informing has become a well-paying occupation, at least for the better-known practitioners. The political informer is of course paid for his work as an undercover agent or ex-Communist turned witness, and in addition may find it the beginning of a successful career. He may be able to get a full-time or part-time job as consultant or analyst for a federal or state government body or some private corporation or institution. Even the world of mass-communication media has been eager to utilize his services. Most of the major political informers have published confessions or autobiographies. Among informer-authors are Philbrick, Budenz with three books, Gitlow, Calomiris, and of course Bentley and Chambers. Authorship often leads to important lectures, radio, television, and even motion-picture opportunities. Cvetic received \$12,500 for the movie rights to his material and an additional \$6,500 for a magazine series based on his career as an informer. He earns between \$10,000 and \$15,000 annually from his anti-Communist activities.

*The material in this section is largely drawn from stipulations filed by the Department of Justice in the California and New York second-round Smith Act trials and from admissions of witnesses at the 1950 hearings on communism among New York City school teachers.

Budenz undoubtedly tops his colleagues both in earnings and in the variety of his activities. He has testified about twenty-five times before six different Congressional committees. He has appeared as a witness in seven court actions, four administrative proceedings, and a number of deportation cases. Since he left the Communist Party in 1945 he has earned, in addition to witness fees, over \$60,000—approximately \$20,000 for magazine articles, \$17,000 from royalties on books, and \$24,000 for lectures. For most of these years he has also been receiving a professor's salary from Fordham University.

Even without literary and other sidelines the political informer can earn fairly substantial sums as an undercover agent, a witness, or a consultant, as indicated by the following examples selected at random. Mary Markward, the informer in the recent Annie Lee Moss case, was employed by both the

F. B. I. and the Communist Party. Her income from the party is unknown, but the F. B. I. paid her more than \$24,000 between 1943 and 1952.

Lloyd Hamlin earned \$13,182 between 1946 and 1952; Bernice Baldwin earned more than \$16,000 from 1943 to 1952; Daisy Van Dorn received more than \$4,000 from the F. B. I. between 1945 and 1951—for two years she was given \$125 a month simply to keep herself in readiness as a witness. These sums do not include expenses or witness fees, which are often substantial. For example, between early 1951 and April, 1953, the ex-Communist John Lautner earned witness and consultant fees of approximately \$8,000 (excluding transportation and per diem expenses). It is perhaps not surprising therefore that the informer group has now become so large that a Federation of Former Communists has been organized by Paul Crouch to protect their interests.



HOW THE CLERGY CASE WAS FABRICATED

INFORMERS have been used not only to discredit newspaper, radio, and television critics of the Congressional probes but to protect the probes from other types of criticism. It will be recalled that the proposal of the House Committee on Un-American Activities to investigate the American clergy drew instant fire. In July of last year President Eisenhower, after vigorous objections had been lodged by the representatives of three leading religious faiths, spoke out against indiscriminate attacks on the clergy. Shortly afterward Senator McCarthy was forced by the pressure of public opinion to drop J. B. Matthews as chief investigator for his committee. Matthews had written an article in which he had stated that Protestant clergymen were the greatest single source of support for the "Communist apparatus," implying that "at least 7,000" such clergymen had served "the Kremlin's conspiracy." The President's statement, the resignation of Matthews, and Bishop Oxnham's exposure of the file on him in the hands of the House Committee on Un-American Activities, succeeded in placing the inquisitorial committees on the defensive. It is interesting to see how

they tried, through the use of informers, to get off the hook.

The first move was to call on Mr. Philbrick. In New York, Philbrick told the House Committee on Un-American Activities, in executive session, that he had no "legal evidence" that there were any Communist Party members among the clergy but that he had been told of two clergymen who were members. Neither of these men had been named as Communists in Philbrick's book "I Led Three Lives," and only one of them had been named by him in an earlier appearance before the same committee in 1951. Pressed for names, the informer said that he had heard of seven or eight ministers who were reds but that the furtiveness of their operations had prevented their detection. Desperate for headlines, the committee made public his evidence. Philbrick was furious and charged that the committee's release of his testimony had been premature and "a bad mistake." He explained that his evidence had been "in the nature of leads and tips to be followed for further facts" and that he had not expected the committee to release testimony, including names, that he had given in execu-

tive session. "The committee has played right into the hands of the Communists," he added.

The investigating committee then turned to the veteran ex-Communist Kornfeder, who testified, but not "from first hand," that twenty-five or thirty years ago the Reverend Harry F. Ward had met in Moscow with important leaders of the Soviet Union. "I am fairly certain in my mind," he said, that Dr. Ward "saw . . . Joe Stalin." (Dr. Ward, it might be noted, denies having met Stalin.) Kornfeder gave it as his personal opinion also that there were about 600 secret party members among the clergy, an estimate based on "knowledge I have in this field." When Representative Scherer expressed surprise at the smallness of the number, the witness conceded that it "might be an underestimation."

The third informer, Gitlow, entered a sweeping condemnation of the social-gospel movement. Without offering any substantiating evidence he charged that among the ministers who "carried out the instructions of the Communist Party or collaborated with it" were John Haynes Holmes, Irwin St. John Tucker, and the late Rabbis Judah L. Magnes and Stephen S. Wise.

Manning Johnson spent three days on the stand. He broadened the canvas to include espionage and sabotage, to which he linked the clergy by association. Equipped with photostats of various public pronouncements by the clergy, Johnson developed an elaborate chain of organization relationships from which it would appear that almost every manifestation of liberal Christianity in the last several decades stemmed from the Communist movement. He declared that the United Christian Council for Democracy, whose executive committee was headed by one of the country's most astute anti-Communists, Dr. Reinhold Niebuhr, followed a policy "based upon the program of the Communist Party for the infiltration of the various Protestant denominations on the basis of conditioning them mentally and organizationally for the overthrow of the government of the United States."

Another witness was Leonard Patter-

Statement of Eminent Clergymen

[Extracts from a letter dated February 16, 1954, to Senator William Langer, chairman of the Judiciary Committee of the Senate, from seventeen prominent Protestant and Jewish clergymen.]

WE would make a distinction between informers and investigators employed by government agencies. The investigator obtains information for the agency he serves but does not function as a public accuser. If the investigator uncovers evidence of criminal activity against a citizen, the citizen may be indicted and tried by due process of law. The informer is a public accuser. When functioning under government protection or privilege the informer accuses with immunity. . . . Yet we have strong reason to believe that some informers who have traduced large numbers of citizens have not spoken the truth. . . . The testimony of ministers of the Christian church and others as to the untruthfulness of various of these professional witnesses should be the subject matter of investigation by the Subcommittee on Civil Rights. . . .

We submit that any investigatory process whereby citizens are subjected to attacks against which they have no opportunity for rebuttal . . . is an un-American practice. Such a procedure, moreover, lays too heavy a burden upon the aggrieved citizen, who in order to clear his name must oppose the government who sponsors the informer. . . .

It is also our considered judgment that the character of some of the people whose testimony is being used in political trials and before Congressional committees would be a fruitful subject for investigation. . . .

son, who identified the Reverend Jack McMichael as having been a member of the "New York District" of the Young Communist League in 1934 and 1935, although in fact McMichael was enrolled at that time as a freshman at Emory University in Georgia. During the 1950 hearings on communism among

New York school teachers, trial examiner Kiendel rejected the testimony of this same Patterson-as unworthy-of belief.

In the wake of these hearings, which signally failed to bolster up the committee's theories about the clergy and the necessity for an investigation, J

Edgar Hoover, in response to a letter, informed Senator Harry F. Byrd that he knew of no minister who had been proved to be a Communist agent. Mr. Hoover had supplied "convincing evidence," said the Senator in a public statement, that the charges against the clergy were "baseless."

WHERE THERE'S FEAR THERE'S NO FREEDOM

DOUBTLESS there is a place for certain types of informers in our society—for example, in the enforcement of legislation against various forms of vice. But it should not be forgotten that the use of informers dates from a time when society lacked organized police forces trained in the detection of crime. Useful as they may still be in the enforcement of sumptuary legislation, informers, as Donnelly has pointed out, "have been generally regarded with aversion and nauseous disdain." It is only the political informer who becomes, in a time of panic, the social hero. Historically he is the creature of political suppression. "Sedition legislation," writes Donnelly,

"inevitably breeds spies. 'Espionage goes with an Espionage Act.' If political agitation is made criminal, spies are indispensable. In no other way can the offense be detected. The spy frequently becomes an agent provocateur who instigates the activities he reports. This dirty business is the price a government must pay for the suppression of political dissent" (*op. cit.* p. 1073). Sooner or later we too shall be driven to share the conclusion of Sir Erskine May that the best protection against internal enemies lies in open discussion free of the surveillance of spies and informers.

Next in importance to personal freedom [May wrote] is immunity from sus-

picious and jealous observation. Men may be without restraints upon their liberty; they may pass to and fro at pleasure; but if their steps are tracked by spies and informers, their words noted down for crimination, their associates watched as conspirators—who shall say that they are free? Nothing is more revolting to Englishmen than the espionage which forms part of the administrative system of Continental despotisms. It haunts men like an evil genius, chills their gaiety, restrains their wit, casts a shadow over their friendships, and blights their domestic hearth. The freedom of a country may be measured by its immunity from this baleful agency. Rulers who distrust their own people must govern in a spirit of absolutism; and suspected subjects will be ever sensible of their bondage.

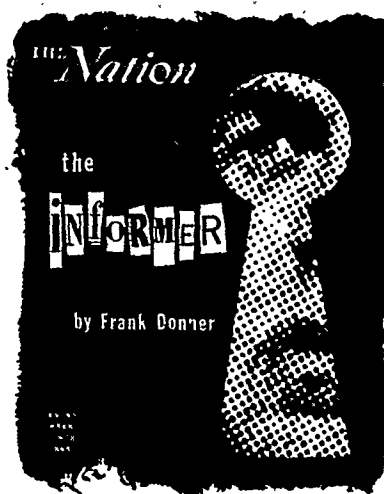
Reprints Available!

"THE INFORMER"

A noted civil-liberties lawyer who read this exclusive *Nation* document declared:

"If every decent-thinking American would read this it would blow up the whole dirty mess created by the informers and those using them to subvert democratic principles."

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THE NATION

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NAME _____

ADDRESS _____

CITY _____ STATE _____

4/10/54

AIRTEL

BUREAU (100-3-74-37) *Q*
(100-) (FRANK DONNER)
NEW YORK (100-81752 SUB8)
(100-) (FRANK DONNER)

FBI PH

6/28/54

CM 3-1

DIRECTOR AND SAC

ef COMPROS PH, IS-C. [] HAS ADVISED THAT INDIVIDUALS, BELIEVED CP MEMBERS, WERE SECURING SUITE AT BELGRAVIA HOTEL, 1811 CHESTNUT STREET, PH. INVESTIGATION HAS DEVELOPED THAT FRANK DONNER HAS BEEN REGISTERED AS FRANK DONNER, ESQ., 1713 WALNUT STREET [] SINCE 6/21/54. DONNER HAS ROOM NO. 112 WHICH HAS BEEN FURNISHED WITH CONFERENCE TABLE AND ALLEGEDLY HAS ENGAGED A PUBLIC STENOGRAPHER. THERE HAS BEEN CONSIDERABLE TRAFFIC IN AND OUT OF THE ROOM AND NUMEROUS PAPERS HAVE ALLEGEDLY BEEN SEEN STREWN ABOUT THE ROOM. IT IS BELIEVED ROOM IS BEING USED IN CONNECTION WITH DEFENSE OF PH. SMITH ACT DEFENDANTS AND THAT DONNER IS PARTICIPATING IN DEFENSE EFFORTS. [] LISTED BY DONNER IN REGISTERING IN CHIEF DEFENSE COUNCIL FOR PH SMITH ACT DEFENDANTS AND ADDRESS 1713 WALNUT STREET IS THAT OF OFFICE USED BY DEFENSE FOR INFO.

ABBATICCHIO

AR:JFH

PH 100-30938 SUB I

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R. -1

FD-72
(6-10-53)

FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1
THIS CASE ORIGINATED AT NEW HAVEN

~~CONFIDENTIAL~~

REPORT MADE AT NEW HAVEN	DATE WHEN MADE SEP 28 1954	PERIOD FOR WHICH MADE 8/30; 9/1, 7, 16, 23/54	REPORT MADE BY DONALD C. MATER: PF
TITLE FRANK JORIS DONNER			CHARACTER OF CASE SECURITY MATTER - C

SYNOPSIS OF FACTS:

yes NB
Subject lawyer, offices of Donner, Kinoy and Perlin, 104 East 40th St., N.Y., N.Y. and residing Dock Rd., Village Creek, South Norwalk, Conn. Subject reportedly member of secret Communist Party apparatus for Government employees during period 1939-1942 in Washington, D.C. and attended meetings of this group at that time. Subject author of article entitled "The Informer" appearing in 4/10/54 issue of "The Nation" magazine. Subject's name appeared on nominee list of Constitutions Committee of Civil Rights Congress in April 1946. Subject scheduled speaker, meeting of Yale Student Chapter, National Lawyers Guild, Yale University, New Haven, Conn. 3/19/53. At meeting of Social Action Committee, Congregational Church, Wilton, Conn., subject exhibited evidence on behalf of the ROSENBERGS. Confidential Informants failed to report any current local Communist activity for the subject in Connecticut.

AGENCY *photo stat (assort)*
REC'D *6-11-59*
REP'T FORW. *6-24-59*
BY *CA-2*

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2333 Saf: g
9/2/77 *CC RAB*

DETAILS: All informants mentioned in this report are known reliability unless otherwise indicated.

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AGENCY *RAB*
REQ. REC'D *10-8-54*
DATE FORW. *10-8-54*
HOW FORW. *CA-2*
BY *CA-2*

APPROPRIATE AGENCIES
ADVISED BY ROUTING
SLIP(S) OF
DATE *9-26-77*
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ROT
Donner

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE <i>[Signature]</i>	DO NOT WRITE IN THESE SPACES 100-25688-52 RECORDED - 120 EX - 107 27 SEP 29 1954	
COPIES OF THIS REPORT 5-Bureau (100-25688) (RM) 2-New York (100-11342) (RM) 2-Philadelphia (100-30938) (RM) 2-Pittsburgh (RM) 3-New Haven (100-14085)		COPY IN FILE <i>[Stamps and signatures]</i>	

PROPERTY OF FBI - This confidential report and its contents are loaned to you by the FBI and are not to be distributed outside of agency to which loaned.

OCT 12 1954

I. BACKGROUND

A. Employment

Confidential Informant T-1 advised on 8/13/54 that the subject was employed at the law offices of Donner, Kinoy and Perlin, 104 East 40th Street, New York, New York.

B. Residences

Confidential Informant T-2 advised on September 9, 1954 that the subject then resided at Dock Road, Village Creek, South Norwalk, Connecticut.

II. COMMUNIST PARTY CONNECTIONS

The Communist Party has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

A. Communist Party Apparatus of Government Employees

Confidential Informant T-3 advised on February 12, 1954 that FRANK DONNER was a member of a secret Communist Party apparatus for Government employees in Washington, D.C. during the period 1939 to 1942.

This informant stated that the subject conducted secret Communist Party apparatus meetings at his, DONNER's, home during this period of time. This informant further stated that DONNER and the group studied the history of Marxism, current events and Communist Party front organization activities.

T-3 further advised that DONNER's wife, whose name he did not recall, was not involved in the meetings of this secret group since she always made it a point to be away from her residence whenever these meetings took place.

This informant was unable to furnish any specific dates of meetings held or topics discussed thereat.

III. ACTIVITIES OF SUBJECT INDICATING
FURTHERANCE OF PROGRAM OF COMMUNIST PARTY
A. Writings

The April 10, 1954 issue of "The Nation" contained an article entitled "The Informer" by FRANK J. DONNER, described therein as a New York lawyer who specializes in Constitutional law and civil liberties. In the introduction the author states that he hoped, "to show in this article that the continued use of political informers offers a great threat to the American tradition of individual freedom and fair play and to the preservation of national unity and morale."

The context of the article was broken down into separate headings as follows:

THE ROLE OF THE INFORMER

In this first section of the article DONNER reasoned that at the present time "scores of political informers" had become "circuit-riding witnesses, appearing again and again in Smith Act and similar prosecutions, deportation proceedings and before legislative committees". Here he named BENJAMIN GITLOW, JOSEPH KORNFEDER, MANNING JOHNSON, PAUL CROUCH, LOUISE BUDENZ, and Mrs. MARY STALCUP MARKWARD.

The author went on to state that the political informer has attained a "giddy sense of power" because "the threat of perjury prosecution has lost much of its force" in their case, and that "the political informer is coming to be regarded as a social hero, as an exalted being endowed with special authority, insight and reliability."

THE GAME OF HARE AND HOUNDS

Author DONNER wrote, "Once the political informer is regarded as a hero, there is reason to fear him." Here, he reasoned, that fear arose from the power which the informer possessed to distort or misrepresent truth and not a fear of any truism which might be revealed. As an example, he cited as the "best-known case of this kind . . . that of ANNA M. ROSENBERG, who was nominated to be

Assistant Secretary of Defense by President Truman. An ex-Communist, RALPH DE SOLA, swore that Mrs. ROSENBERG had been a member of the John Reed Club when he was a member. Despite Mrs. ROSENBERG's categorical denial, DE SOLA insisted on the accuracy of his identification after direct confrontation."

He further stated that "The hunt for names has become the game of hare and hounds marked by a paper trail of subpoenas." He added that it was "not only the Congressional Committees that are exerting pressure on us to become a nation of informers. FBI agents often visit persons whose names appear on various 'subversive' lists and urge them to 'clear' themselves by supplying the names of associates, past or present."

In describing the creation of "name-collecting and snooping agencies" in our communities, the writer quoted the warning by FBI Director J. EDGAR HOOVER which appeared in a January 1953 issue of "Woman's Day" which urged "the women of America" to report immediately "any definite information" to the FBI. Another quote used by the author was from "This Week", November 3, 1953 in which Director HOOVER urged ex-Communists to turn over the names of past and present Communist Party members to the FBI.

He further stated that "the FBI is requested . . . to do a great deal of checking-up on personnel for various federal agencies . . . the FBI has always insisted that it does not evaluate information. . . and that it treats it as confidential."

"Here and there voices have been raised in protest against the growing power of the FBI as a political police. Dean CARL W. ACKERMAN of the Columbia School of Journalism has announced that he will no longer co-operate with federal, state or police agencies investigating his students 'except on written request and advice of counsel'."

"Although Attorney General BROWNELL has denied that the Senate Permanent Investigating Committee has access to the confidential files of the FBI . . .", Senator J. WILLIAM FULBRIGHT "has announced that he will no longer give FBI agents private opinions and judgments."

The author went on to state that President EISENHOWER in claiming that the FBI files would remain "inviolate" as long as he was President, had to consent that summaries and factual information relating to loyalty and security files had been turned over to Congressional Committees.

Mr. DONNER cited as corroborative evidence that these files are not kept strictly confidential, "the fact that Mr. BROWNELL used material from the files of the FBI to make a partisan political attack on a former President".

He stated that, "So many informers are at work now that they sometimes collide." DONNER gave as an example the testimony of MATTHEW CVETIC before the Committee on Un-American Activities in 1950 in which GEORGE DIETZE and JOSEPH MAZZEI were named as members of the Communist Party in Pittsburgh, Pennsylvania. Both of these men later claimed that they, too, were FBI informers.

THE MAKING OF AN INFORMER

The author herein wrote that the political informer, as other types of informers, are not likely to be models of virtue, obviously; however, the number who have ample reason either "to fear the law or to ingratiate themselves with law enforcement officers is disturbingly large".

DONNER took note of what he termed "a logical and growing body of anti-subversive legislation, state as well as federal which has greatly increased the Government's power to compel the co-operation of informers". He further claimed that the ex-Communist political informer often exhibited bias in his testimony.

THE INFORMER ON THE STAND

This section had to deal with the author's denunciation of LOUIS BUDENZ, whom he described as "the undisputed master of what may be termed the built-in justification or alibi." Others whom he discussed were: PAUL CROUCH; described as "one of the most voluble of the informers", and MANNING JOHNSON. The latter, according to DONNER, is

"a Department of Justice informer who has testified in about 25 court cases and a number of Congressional hearings." JOHNSON, the author claimed, testified before the Subversive Activities Control Board in 1951 at which time he reportedly confirmed that "he had given evidence in a Pennsylvania sedition trial as follows:

"Q. In other words, you will tell a lie under oath in a court of law rather than run counter to your instructions from the F.B.I. Is that right?

"A. If the interests of my government are at stake. In the face of enemies at home and abroad, if maintaining secrecy of the techniques of methods of operation of the F.B.I., who have responsibility of the protection of our people, I say I will do it a thousand times.

"In the Pennsylvania sedition case he admitted that he had testified falsely in the deportation proceedings against one Nat Yanish in 1948.

"Q. That testimony was not correct, was it, Mr. Johnson?

"A. No, it wasn't precisely, because I could not at that time reveal the fact that I had supplied information to the F.B.I. . . . I think the security of the government of the United States has priority over . . . any other consideration."

DONNER remarked that, "This kind of 'patriotic lying' is to be expected perhaps of an American war prisoner or espionage agent caught by enemy inquisitors. But this was an American board representing American law. Does a witness owe less loyalty to the law of the land than to the F.B.I.? And is justice for the individual to be determined by the F.B.I. in the light of its own concept of national security?"

THE INFORMER AND THE COURTS

Charges are made by the author that although the Supreme Court opined that defendants are entitled to cross-examine informers, the privilege had been limited in

NH 100-14085

numerous recent proceedings. DONNER gave as an example the following:

"The courts have also been reluctant to make available to the defense for purposes of cross-examination the reports which political informers have submitted to the FBI and other agencies."

He further stated that "A major difficulty for the person accused by a political informer is that he must prove a negative," and added, "On occasion the informer is permitted to offer his own conclusions and opinions as an exhibit". DONNER claimed that "difficulty of rebutting testimony given by an informer is enhanced by the wide scope of proof permitted in conspiracy cases".

INFORMING AS A BUSINESS

DONNER in drawing "from stipulations filed by the Department of Justice in the California and New York second-round Smith Act trials and from admissions of witnesses of the 1950 hearings on Communism among the New York school teachers" concluded that "political informing has become a well-paying occupation, . . . paid for his work as an undercover agent or ex-communist turned witness". He added that, "The informer group has now become so large that a Federation of Former Communists has been organized by PAUL CROUCH to protect their interests."

HOW THE CLERGY CASE WAS FABRICATED

The author recalled the time in 1953 when "President EISENHOWER, after vigorous objections had been lodged by the representatives of three leading religious faiths, spoke out against indiscriminate attacks on the clergy" which had occurred earlier that year.

In summing up this section the author wrote"

"In the wake of these hearings, which signally failed to bolster up the committee's theories about the clergy and the necessity for an investigation, J. Edgar Hoover, in response to a letter, informed Senator Harry F. Byrd that

he knew of no minister who had been proved to be a Communist agent. Mr. HOOVER had supplied 'convincing evidence', said the Senator in a public statement, that the charges against the clergy were 'baseless'".

WHERE THERE'S FEAR THERE'S NO FREEDOM

"Doubtless there is a place for certain types of informers in our society", writes DONNER,--"for example, in the enforcement of legislation against various forms of vice It is only the political informer who becomes, in a time of panic, the social hero sooner or later We shall be driven to share the conclusion of Sir Erskine May that the best protection against internal enemies lies in open discussion free of the surveillance of spies and informers."

IV. ACTIVITY IN SUBVERSIVE AND COMMUNIST DOMINATED GROUPS
A. Civil Rights Congress

The Civil Rights Congress has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

Confidential Informant T-4 advised that the name "FRANK DONNER, National Lawyers Guild" appeared on a list of the nominees of the Constitutions Committee of the Civil Rights Council that had been unanimously approved by the Civil Rights Congress in Detroit on April 27-28, 1946.

B. National Lawyers Guild

The Congressional Committee on Un-American Activities report on the National Lawyers Guild, House Report Number 3123, September 21, 1950 (originally released September 17, 1950) cited the National Lawyers Guild as a Communist front which "is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions," and which "since its inception has never failed to rally to the legal defense of the Communist Party and individual

members thereof including known espionage agents."

The "Yale Daily News", a daily campus news publication at Yale University, New Haven, Conn., page 4, dated March 19, 1953, contained an article reflecting the proposed meeting of the Yale Student Chapter of the National Lawyers Guild in Room 120, Sterling Law Building, at 8 P.M. on March 19, 1953 at which New York Lawyers Guild member FRANK J. DONNER, New York City attorney, would speak on "The Conspiracy Theory in Smith Act Prosecutions".

C. Support of the ROSENBERGS

JULIUS and ETHEL ROSENBERG are publicly known as having been convicted in the U.S. District Court, Southern District of New York for conspiring to commit espionage and were executed on June 19, 1953.

On February 4, 1953 [redacted], Wilton, Conn., advised that at a meeting of the Social Action Committee of the Congregational Church held on January 28, 1953 in Wilton, Conn., a lawyer from New York, identified as FRANK DONNER, appeared and played recordings of the ROSENBERG trial showing that the ROSENBERGS did not have a fair trial and appealed to the social justice of the assembled group.

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D. Smith Act--Pittsburgh

Confidential Informant T-5 advised on July 19, 1954 that the subject was then working on the preparation of the brief to be filed with the U. S. Circuit Court of Appeals, Philadelphia, Pennsylvania in the Pittsburgh Smith Act case.

E. Smith Act--Philadelphia

Confidential Informant T-6 advised that the subject was in attendance at the U. S. District Court, Philadelphia, Pennsylvania on June 9, 1954 during oral arguments on appeal in connection with the STEVE NELSON case and on July 2 and 20, 1954, at which time oral arguments were

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NH 100-14085

heard in connection with the Philadelphia Smith Act trial.

STEVE NELSON is publicly known as the Western Pennsylvania Communist Party Chairman who has been tried and convicted for violation of the Smith Act.

B. Contact with Informants

Confidential Informants T-7, 8, 9, 10, 11, 12, 13 and 14, who are acquainted with certain phases of Communist Party and related activities in this area, advised they could furnish no information regarding the subject.

- P -

~~CONFIDENTIAL~~

NH 100-14085

ADMINISTRATIVE

The subject is on the Security Index and data appearing on the subject's security index card is current and accurate.

Two copies of this report are being furnished to the New York Office inasmuch as the subject is a practicing attorney in New York.

Identity of Source	Date of Activity-Description	Date Rec'd	Agent to Whom Furnished	Location
T-1: Pretext phone call to sub's office Oregon 9-2420	8/13/54 Employment	8/13/54	SA [redacted] (O)	100-14085-51
T-2: Surveil- lance of sub at his residence Norwalk, Conn.	Residence	9/9/54	SA ROBERT U. MANN (O)	Inst. report
T-3: [redacted] Con- fidential Source, New Haven.	Sub member CP apparatus for Govt. employees	2/12/54	SA [redacted] (O)	[redacted]
T-4: Anonymous source.				
T-5: [redacted]	7/19/54	7/19/54		
T-6: Fisur	6/9/54; 7/2,20/54	6/9/54 7/2,20/54	Unknown	100-14085-54
T-7: [redacted]	Negative CP activity	8/30/43	[redacted] (O)	Instant report.
T-8: [redacted]	"	9/3/54	[redacted] (O)	"
T-9: [redacted]	"	"	"	"
T-10: [redacted]	"	"	"	"

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NH 100-14085

T-11:	<div></div>	Negative CP Activity	9/9/54	SA HAROLD C. SWANSON (0)	Instant report.
T-12:		"	"	"	"
T-13:		"	9/8/54	"	"
T-14:		"	9/3/54	SA THURL STALNAKER	"

b7D

LEADS

PHILADELPHIA DIVISION

At Philadelphia, Penna.:

Will obtain information pertaining to the subject from Security Informants, confidential sources, and other informants relative to subject's CP connections and associates with particular note in regard to association with the Smith Act trials in that city.

PITTSBURGH DIVISION

At Pittsburgh, Penna.:

Will obtain information pertaining to the subject from Security Informants, confidential sources, and other informants relative to subject's CP connections and associates with particular note in regard to association with the Smith Act trials in that city.

NEW HAVEN DIVISION

At New Haven, Conn.:

Will follow and report on subversive activity of the subject.

REFERENCE: Report of SA at New Haven dated 2/17/54.

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b7C

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (100-25688)

DATE: August 16, 1954

FROM : SAC, New Haven (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

Card U.T.D.

8-20-54 ctc

It is recommended that a Security Index Card be prepared on the above-captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

Law Offices of Donner, Kinoy and Perlin

104 East 40th Street, New York, N.Y.

KEY FACILITY DATA: NONE.

GEOGRAPHICAL REFERENCE NUMBER _____ RESPONSIBILITY _____

INTERESTED AGENCIES _____

RESIDENCE ADDRESS _____

JW/nk

REG. MAIL

AUG 25 1954

NOT RECORDED

AUG 17 1954

A. F. Leonard

CONFIDENTIAL

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW HAVEN**

REPORT MADE AT PITTSBURGH	DATE WHEN MADE 12/29/54	PERIOD FOR WHICH MADE 10/13, 20, 11/3, 26; 12/17/54	REPORT MADE BY JOSEPH P. O'LONE nrl
TITLE FRANK JORIS DONNER			CHARACTER OF CASE SECURITY MATTER - C

SYNOPSIS OF FACTS:

In 11/53 USA, Pittsburgh, advised that FRANK J. DONNER, NYC, was Defense Counsel for Pittsburgh Smith Act subjects. DONNER requested delay in filing appeal brief which was opposed by USA, Pittsburgh. Informant stated that the name of FRANK DONNER (city unknown) was on mailing list of Pittsburgh Chapter, CRD. Other informants reported no knowledge of the subject.

AGENCY State Dept
REC. 7-16-59
REP. 7-2-59
BY AB

- RUC -

DETAILS: On November 17, 1953, this office received from the United States Attorney, Pittsburgh, copies of correspondence between the United States Attorney and Defense Counsel for the Pittsburgh Smith Act subjects, which correspondence related to the defendants' appeal pending in the United States Court of Appeals for the Third Circuit, Philadelphia, Pennsylvania.

The correspondence was to the effect that FRANK J. DONNER, Esquire, 104 East 40th Street, New York 6, New York, had advised the United States Attorney, Pittsburgh, that he had been engaged to prepare a brief and to participate in the defense of the Pittsburgh Smith Act subjects. DONNER had requested a postponement until April, 1954, to submit this brief. Defense

AGENCY RUC
REQ. REC'D
DATE FORW. 1-7-55
HOW FORW. 8-5-6
BY BBP

COPIES DESTROYED 7-10-55 R-30

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE <i>[Signature]</i>	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT: (5) - Bureau (100-25688) (RM) 3 - New Haven (100-24085) (RM) 2 - Pittsburgh (100-12408)		100-25688-59	RECORDED - 86
DEC 30 1954		APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF DEC 30 1954	

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Attorney RALPH E. POWE confirmed to the United States Attorney, Pittsburgh, the fact that DONNER had been retained by the Defense and requested the United States Attorney's cooperation in obtaining extension of time for filing the appeal brief. In November, 1953, the United States Attorney, Pittsburgh, advised both POWE and DONNER that the Government would oppose any further delay in this matter.

T-1, of known reliability, stated on June 1, 1953, that the name of FRANK DONNER, Room 805, 150 Nassau Street, (city unknown,) was on a mailing list of the Civil Rights Congress, Forbes and Atwood Streets, Pittsburgh, Pa. This list was composed of various individuals residing in Pittsburgh and vicinity, Philadelphia, Wilkes-Barre, Detroit, New York, Cleveland, Chicago, Cincinnati, and Grand Rapids, Michigan.

It is noted that the Civil Rights Congress has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

In October, 1954, informants, who are acquainted with some phases of Communist Party and related activity in the Pittsburgh area, advised they have no personal knowledge of the subject or his activities.

- RUC -

- ADMINISTRATIVE PAGE -

It is noted that the Pittsburgh Division has additional information on DONNER's activities in regard to the Smith Act trials which information was furnished by the Philadelphia Division. Since Philadelphia has an identical lead in this case, the above information has not been included in this report.

b6
b7C
b7D

PG 100-12478

ADMINISTRATIVE PAGE
INFORMANTS

<u>Identity of Source</u>	<u>Date of Activity And/or Description of Information</u>	<u>Date Received</u>	<u>Agent to whom Furnished</u>	<u>File Number where Located</u>
T-1 is [redacted]	6/53 - Subject's name on PG CRC mailing list	6/1/53	SA [redacted] (wr)	100-8849-1A(199)

Security Informants of the Pittsburgh Division were contacted regarding the subject as follows:

<u>Informant</u>	<u>Status</u>	<u>Date of Contact</u>	<u>Agent Contacting</u>
[redacted]	Negative	10/18/54	SA [redacted]
	"	10/11/54	" " " "
	"	10/20/54	SA [redacted]
	"	10/14/54	SA [redacted]
	"	10/15/54	SA DAVID W. EGBERT
	"	10/20/54	SA WALTER L. LEECH
	"	10/20/54	" " " "
	"	10/18/54	SA [redacted]
	"	10/15/54	SA RUSSELL M. GWYNNE
"	10/16/54	SA JOSEPH P. O'LONE	

REFERENCE: Report of SA DONALD C. MAIER, New Haven, 9/28/54.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: October 12, 1954

FROM : SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER (C)Card U.T.D.
10-21-54

It is recommended that a Security Index Card be prepared on the above-captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

KEY FACILITY DATA:

GEOGRAPHICAL REFERENCE NUMBER _____ RESPONSIBILITY _____

INTERESTED AGENCIES _____

RESIDENCE ADDRESS _____ 30 DOCK ROAD, VILLAGE CREEK, NOT FURNISHED TO

SOUTH NORWALK, CONNECTICUT. _____

RUM/NK

REG. MAIL 22 1954

7-396

INT. SEC. 12 1954

A. G. G. Shepard

FEDERAL BUREAU OF INVESTIGATION

CONFIDENTIAL

Form No. 1

THIS CASE ORIGINATED AT

NEW HAVEN

REPORT MADE AT NEW HAVEN, CONN.	DATE WHEN MADE 1/11/55	PERIOD FOR WHICH MADE 12/30/54; 1,4,5/55	REPORT MADE BY DONALD C. MATER jcb
---	----------------------------------	--	--

TITLE FRANK CORIS DONNER	CHARACTER OF CASE SECURITY MATTER - C
------------------------------------	---

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *DECLASSIFICATION*
DATE *9-26-77* BY *GAJ/BCE*

SYNOPSIS OF FACTS:

Subject, lawyer, offices of Donner, Kinoy and Perlin, 104 East 40th St., New York, New York and residing 30 Dock Rd., Village Creek, South Norwalk, Conn. USA, Philadelphia, advised that Subject attended pre-trial conference concerning Philadelphia Smith Act trial in Philadelphia, Pennsylvania in February, 1954 at which time it was announced that Subject would assist Smith Act chief counsel during the trial. Subject's name reportedly failed to appear in Clerk's records, Eastern District Pennsylvania in connection with defense at the Philadelphia Smith Act case although observed at Philadelphia trial in June and July of 1954. Subject reportedly attempted to enlist aid of American Friends Service Committee and American Civil Liberties Union into defense of Pittsburgh Smith Act defendants in May, 1954; associated with JACK ZUCKER June, 1954; reportedly a Communist Party member; stated he would prepare Supplemental Brief in STEVE NELSON case and would send completed Brief to Civil Rights Congress, Philadelphia, when finished.

DETAILS:

All Confidential Informants utilized in this report are of known reliability unless otherwise indicated.

I. BACKGROUND INFORMATION

A. Employment

Confidential Informant T-1 advised on January 5, 1955 that the Subject was

AGENCY: *State (Passport)*
REQ: *8-11-57*
REP: *8-24-57*
BY: *Qdo*

AGENCY: *RAB*
REQ. REC'D
DATE FORW: *1-24-55*
HOW FORW: *0-6*
BY: *J.C. - am*

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES <i>100-113742-53</i>	RECORDED - 24
COPIES OF THIS REPORT 5 - Bureau (100-25688) (RM) 1 - New York (Info) (100-113742) (RM) 3 - New Haven (100-14085) <i>385</i>		<i>100-113742-53</i> <i>JAN 12 1955</i> <i>RECEIVED</i>	INDEXED - 24 <i>EX-125</i>

COPY IN FILE 1075

COPIES DESTROYED 3-26-57

then employed at the law offices of Donner, Kinoy and Perlin, 104 East 40th St., New York, New York.

B. Residence

Confidential Informant T-1 advised on January 5, 1955 that the Subject then resided at 30 Dock Rd., Village Creek, South Norwalk, Connecticut.

II. ACTIVITY IN SMITH ACT TRIAL IN PHILADELPHIA

United States Attorney W. WILSON WHITE advised SA ALBERT RUNDBAKEN of the Philadelphia Office on 2/4/54, that a pre-trial conference concerning the Philadelphia Smith Act trial had been held on 2/2/54, in the chambers of Federal District Court Judge J. CULLEN GANEY, in Philadelphia. Present, in addition to Mr. WHITE, were Special Assistant to the Attorney General THOMAS MITCHELL, Chief Defense Counsel THOMAS D. McBRIDE, Judge GANEY and Attorney FRANK DONNER. McBRIDE stated to Judge GANEY that he would file a challenge to both grand jury and petit jury panels on grounds the sponsorship system in use in Eastern judicial district of Pennsylvania violated the Constitution of the United States per se.

McBRIDE explained that he was filing this challenge because of the DOW case (HARRIET DOW, Administratrix of the Estate of PAUL DOW, Deceased, Appellants vs. Carnegie Illinois Steel Corporation), in which a challenge had been made to the manner of selecting the master list of jurors. In that case the attorney stipulated that the record previously made in the STEVE NELSON case in the Western District of Pennsylvania would stand as the record in the Dow case. He explained that FRANK DONNER, attorney from New York, would enter an appearance in the Philadelphia Smith Act case in order to assist McBRIDE during the trial.

In regard to the above, SA RICHARD W. HANSEN, who attended each session of the Philadelphia Smith Act trial, advised that DONNER never sat at the Defense Counsel table with the Defense Counsel, and further that DONNER's name did not appear in the records of the Clerk of the United States District Court for the Eastern District of Pennsylvania as being connected with the defense at the Philadelphia Smith Act case.

On the following dates SAs RICHARD W. HANSEN and WILLIAM G. CURRALL,

observed that the Subject was in attendance at the U.S. District Court House, Philadelphia, Pennsylvania at the trial of the Philadelphia Smith Act Subjects:

June 6,9,10/54

July 2,20,22/54

On May 21, 1954 Confidential Informant T-2 advised that FRANK DONNER had met with representatives of the American Friends Service Committee and the American Civil Liberties Union in Philadelphia, Pennsylvania. This Informant stated that these meetings were in connection with the Subject's efforts to have the American Friends Service Committee and the Civil Liberties Union enter into the defense of the Pittsburgh Smith Act defendants.

On June 28, 1954 Confidential Informant T-2 advised that a meeting was held on the morning of June 28, 1954 at the Belgravia Hotel, 1811 Chestnut St., Philadelphia, Pennsylvania by the following individuals:

ROBERT KLONSKY ✓

FRANK DONNER

JACK ZUCKER ✓

BENJAMIN WEISS ✓

WEISS and KLONSKY were convicted on August 13, 1954 on the charge of conspiracy to violate the Smith Act of 1940.

JACK ZUCKER is publicly known as the Organizational Secretary of the Pennsylvania Civil Rights Congress.

The Civil Rights Congress has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

On December 12, 1950 Confidential Informant T-3 reported that as of that date ZUCKER had been a member of the Communist Party for more than twenty years.

On June 29, 1954 Confidential Informant T-2 advised that he had learned that the Subject had been asked to handle the Supplemental Brief in the STEVE NELSON case and that the Subject had planned to delay his

CONFIDENTIAL

NH 100-14085

preparation until he received his back pay but then later changed his mind and said he would send it to the Civil Rights Congress when it was finished and that the Civil Rights Congress would reproduce it.

STEVE NELSON is publicly known as the Western Pennsylvania Communist Party Chairman.

On July 26, 1954 Confidential Informant T-2 advised that the Subject had some unidentified material in his possession which he wanted to leave at the Civil Rights Congress office that same evening.

On July 19, 1954 Confidential Informant T-2 advised that the Subject was working on a Brief to be filed with the U.S. Circuit Court of Appeals in Philadelphia, Pennsylvania on behalf of the convicted Pittsburgh Smith Act Subjects.

III. PHYSICAL DESCRIPTION

A physical description, as furnished by the records of the Metropolitan Police Department, Washington, D.C., the Passport Division of the State Department and personal observation, is as follows:

Name:	Mrs. FRANK JORIS DONNER	CONN
Date of Birth:	2/25/11	
Place of Birth:	Brooklyn, New York	
Occupation:	Attorney	
Height:	5'10"	b6
Weight:	210 lbs.	b7C
Build:	Heavy	
Hair:	Brown	
Race:	White	
Sex:	Male	
Complexion:	Olive	
Relatives:	Wife: MADELINE JAFFE, Dock Rd., Village Creek, So. Norwalk, Conn.	
	[redacted] born [redacted]	
	residing with parents:	
	[redacted] born [redacted] residing with parents:	
	Mother: SOPHIE JOFFMAN, whereabouts unknown;	
	Father: SAMUEL DONNER, born Austria, 2/28/81	
	resided 441 Jelleffe Ave., Newark, New Jersey	
	as of June 29, 1938.	
FBI No.:	43 286 B	
F.P.C.:	16 O 27 W 100 18	
	M 28 W III	

4. CONFIDENTIAL

ADMINISTRATIVE PAGE

Subject is currently on the Security Index and data appearing on the Subject's S.I. card is current and accurate.

One copy of this report are being furnished to the New York Office inasmuch as the Subject is a practicing attorney in New York.

INFORMANTS:

SOURCE	DATE AND/OR DESCRIPTION OF ACTIVITY	DATE REC'D.	AGENT TO WHOM FURNISHED	FILE NO. WHERE LOCATED
T-1	Suitable pretext Employment	1/5/55	SA ROBERT U. MANN	Instant Report
	Residence	1/5/55	"	"
T-2				
PH-82-S*	5/21/54			
	6/28/54			
	6/29/54			
	7/20/54			
	7/26/54			
	7/19/54			
T-3				b7D
	Used in description of JACK ZUCKER.			

REFERENCE: Report of SA DONALD G. MAIER dated 9/28/54 at New Haven.
Report of SA J.P. O'LONE dated 12/29/54 at Pittsburgh.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)
FROM : SAC, NEW HAVEN (100-114085)
SUBJECT: FRANK JORIS DONNER
SECURITY MATTER-C

DATE: June 2, 1955

A. REFERENCE:

SAC letter 55-30 dated April 12, 1955.

B. RESUME OF CASE:

Security Index Card Canceled

Captioned subject is 45 years of age, a native born U.S. citizen and is employed as an Attorney.

[redacted] advised that the subject attended a conference sponsored by the Emergency Civil Liberties Committee held on April 16, 1955. According to this informant, the subject spoke at this meeting attacking the use of informants by the Government.

The June, 1954 issue of the "New York Guild Lawyer", monthly publication of the New York City Chapter of the National Lawyers Guild, reflected on page 1 that the subject was elected a member of the Board of Directors for the term 1954-1955 of the New York Chapter of the National Lawyers Guild.

On April 12, 1955 U.S. Attorney SIMON S. COHEN and Special Assistant Attorney General, JAMES CRONIN advised that the subject was replacing MARVIN KARP as Attorney of Records for Connecticut Smith Act defendants, JAMES TATE and SIDNEY RESNICK.

The subject was observed in attendance at the trial of the Philadelphia Smith Act subjects during June and July, 1954.

On July 19, 1954 PH-82-S* advised that the subject was working on a Brief to be filed with the U.S. Circuit Court of Appeals in Philadelphia, Pennsylvania on behalf of the convicted Pittsburgh Smith Act subjects.

[redacted] a confidential source advised on February 12, 1954 that the subject was a member of a secret Communist Party apparatus for Government employees in Washington, D.C. during the period 1939-1942. According to this source the subject conducted secret Communist Party apparatus meetings at his home during this period.

WSO:MB
(3)

RECORDED - 6

Registered Mail

JUN 6 1955

EX - 116

CANCELLED

JUN 22 1955

b6
b7C
b7D

~~CONFIDENTIAL~~

Memorandum for Mr. Boardman

He has been active in the Lawyers Guild for many years and was elected a member of the Board of Directors of the New York Chapter of the National Lawyers Guild for the 1954-1955 term. He has been reported as being connected with the Civil Rights Congress in 1946 and 1953. In 1953 Donner was defense counsel for the Smith Act subjects in Pittsburgh and in 1954 he assisted in preparation for the defense of the Smith Act subjects in Philadelphia. He was observed in attendance at the Philadelphia Smith Act trials. Donner is also the attorney of record for the Connecticut Smith Act subjects.

In the April 10, 1954, issue of "The Nation" there appeared an article by Donner entitled "The Informer." In the introduction the author states that he hoped "to show in this article that the continued use of political informers offers a great threat to the American tradition of individual freedom and fair play and to the preservation of national unity and morale." In this article he described the informer as being regarded as a social hero endowed with special authority, insight and reliability. He referred to the FBI as a political police. In describing the creation of "any collecting and snooping agencies" he quoted the warning of the Director which appeared in the January, 1953, issue of "Woman's Day" which urged the women of America to report immediately "any definite information" to the FBI. In this connection he also quoted from "This Week" of November 3, 1953, in which the Director urged ex-Communists to turn over the names of past and present Communist Party members to the FBI. In this article Donner tried to point out that the material from FBI files found its way to Congressional committees and had been used by the Attorney General to make a partisan political attack on a former President. The article was critical of the role of informer, of the Bureau, and of the Department, in security investigations.

Subject was placed on the Custodial Detention List May 15, 1941, and was removed from the Security Index on June 22, 1955.

[redacted] on August 17, 1955, advised Agents, Washington Field Office. that [redacted]

[redacted]

b7D

~~CONFIDENTIAL~~

Memorandum to Mr. Boardman

~~CONFIDENTIAL~~

RECOMMENDATION:

It is known that [redacted] testified before HCUA in Executive Session and it is believed that he named [redacted] that he named to Washington Field agents. It is recommended that this memorandum be forwarded to Mr. Nichols for consideration as to furnishing information to HCUA regarding Donner's article appearing in the April 10, 1954, issue of "The Nation."

b7D

9/7/55
Tom Beale, HCUA
orally advised.
RBH
gm

O.K. ✓
a-
ok.
H.

also send memo to
A. G. re Donner & his
forth coming book.
D. C.

gm
JE

JE
H

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: JULY 12, 1955

FROM : SAC, NEW HAVEN (100-14085)

ATTENTION: Identification Division

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

Inasmuch as Security Index Card on subject has been cancelled,
it is requested that the Security Flash Notice on the subject be
removed (FBI# 43 286 B).

/jfm
Reg. mail

RECORDED

24 JUL 13 1955

EX-11

64 JUL 28 1955

NH 100-14085

C. RECOMMENDATION: DELETE FROM SECURITY INDEX

I recommend that this subject be deleted from the Security Index noting that he is in a position of leadership as a member of the Board of Directors of the New York City Chapter of the National Lawyers Guild. *agreed*

D. DETCOM TABBING: - Not applicable.

AIRTEL

FBI WASH FIELD

8/24/55

DIRECTOR (100-25688) AND SAC NEW HAVEN (100-14085)

FRANK JONIS DOMMER

SM-C

OO NEW HAVEN

Mr. Tolson _____
Mr. Boardman _____
Mr. Nichols _____
Mr. Belmont _____
Mr. Ladd _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Harbo _____
Mr. Mohr _____
Mr. Winterrowd _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

DEFERRED

Re WFO airtel to Bureau 8/23/55, captioned [redacted] was., SM-C (Bufile [redacted]). NO CC NH.

On 8/23/55, [redacted] (protect identity at request), [redacted]

[redacted] advised SAs RAYMOND L. O'KELLY and ROBERT C. PUTNAM as follows:

Subject was [redacted]

Info furnished by [redacted] is contained in a signed statement located in WFO [redacted].

New Haven should conduct necessary investigation to bring this case up to date bearing in mind the possibility of the subject being subpoenaed by HCUA in the near future. It is suggested that consideration be given to requesting Bureau authority to interview subject in view of the possibility of his being subpoenaed by HCUA. *RUC*

RCP:air
(7)

1-WFO [redacted]

100-2771

AIRTEL

LAUGHLIN

RECORDED - 63

100-25688-58

AUG 30 1955

Mr. Belmont

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: September 6, 1955

FROM : SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

Office of Origin: New Haven

Reference: Washington Field Airtel to Director dated 8/24/55, setting forth information pertaining to the subject as received from [redacted] on 8/23/55. Washington Field Office requested that New Haven consider requesting Bureau authority to interview the subject, suggesting he might be subpoenaed by the HCUA. b7D

DONNER is representing defendants in the currently pending trial of the leaders of the Communist Party in Connecticut and has served as defense counsel in Smith Act cases in other districts. In view of his status, consideration is not being given to interviewing DONNER.

It might be noted that a current summary of information with respect to DONNER has been submitted in connection with the following matter: "UNKNOWN SUBJECT; ALLEGED CONTACT OF FREDERICK PALMER WEBER IN THE DEPARTMENT OF JUSTICE; ESPIONAGE - X"; Report of SA [redacted] dated August 31, 1955 at New Haven. (Bufile 65-63390), (WFO 65-7143). b6 b7C

Accordingly, no action is being taken in the captioned matter UACB.

JJW/mdm
100-14085
(4)

1 - Washington Field (100-2771) (Info.)

RECORDED - 50

EX-121

100-25688-59
16 SEP 7 1955

58 SEP 13 1955

AIR TEL

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
8/26/55, NEW YORK

~~SECRET~~

Transmit the following Teletype message to: BUREAU

FRANK DONNER; SM-C.

[redacted] on August 25 last advised he recently ascertained from JOHN STEUBEN of the "March of Labor" that FRANK DONNER, a lawyer from NYC, is writing a book which is concerned with the FBI and the informant system. Informant ascertained from STEUBEN that the CP is helping DONNER collect material for this book and a review is being made of the transcript of trials in which informants have testified.

According to informant, book will be anti-FBI and anti-Department of Justice. Informant advised preparation of this book "fits in with the line of the party to fight for party legality."

Informant advised he does not know when the book will appear or in what stage of preparation it is. If the above info is disseminated outside the Bureau or used in a report it must be paraphrased to protect the identity of the informant.

KELLY

Classified by 2332
Exempt from GDS, Category 2
Date of Declassification Indefinite

- 3 - BUREAU (REGISTERED)
1 - NEWARK [redacted] RM
1 - NEWARK (100- [redacted] (JOHN STEUBEN) RM
1 - NY [redacted] (7-4)
1 - NY 100-81675 (Pamphlets and Publications) 12-14
1 - NY 100-81752 (CP, USA brief) 7-5
1 - NY 100-98806 (Attacks on FBI) 12-14

Classified by 5886 3/1/78
EXEMPT FROM GDS, CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE

RHB:MAN (#7-4)
NY 100-11342

APPROPRIATE AGENCIES
AND FIELD OFFICES

Mr. Belmont

BY ROUTING

DATE 9-26-77

Approved

Sent

M Per

Special Agent in Charge

SEP 26 1955

~~CONFIDENTIAL~~

~~SECRET~~

INT. FILE
PERS. FILE

~~CONFIDENTIAL~~ cc - Mr. Boardman
cc - Mr. Belmont
cc - Mr. Bland
cc - Mr. Pettit

RECORDED - 77

THE ATTORNEY GENERAL
100-25688-61
Director, FBI

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF DECLASSIFICATION
DATE 9-25-77 DMC/RS

September 8, 1955

FRANK JERIE DONNER
SECURITY MATTER - C
FBI File 100-25688

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

524
P95

Information has been received from a confidential informant, who has furnished reliable information in the past, that Frank Donner, a lawyer from New York City, is writing a book which is concerned with the FBI and the informant system. According to the informant, the book will be anti-FBI and anti-Department of Justice. The informant ascertained that the Communist Party is helping Donner select material for this book and a review is being made of transcripts of trials in which informants have testified.

Frank Jerie Donner was born on February 25, 1901, in Brooklyn, New York. He received his college education at the University of Wisconsin, graduating in 1934. He attained membership in Phi Beta Kappa. He graduated from Columbia University Law School in 1937 and visited Europe in 1939 to perform legal research for Columbia University. He was employed as an assistant attorney for the National Labor Relations Board in Washington, D. C., from 1940 to 1945. From 1945 to 1949, he was employed as assistant general counsel for the CIO in Washington and, from 1949 to the present time, he has been engaged in private law practice in New York City. He maintains law offices at 104 East 40th Street, New York, and resides in South Norwalk, Connecticut. His wife is Madeline Jaffe Donner. She is a sister of Philip Jaffe, who was one of the six persons indicted and arrested in 1945 in the "Amerasia" case and charged with illegal possession of United States Government classified documents. Jaffe was guilty to the charge and paid a fine of \$2,500 imposed by the court.

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF DATE

MAILED 2
SEP 9 1955
COMM - FBI

RECEIVED FBI
SEP 14 1955

(See page 4 for Note on Yellow)

- Tolson
- Boardman
- Nichols
- Belmont
- Harbo
- Mohr
- Parsons
- Rosen
- Tamm
- Sizoo
- Winterrowd
- Tele. Room
- Holloman
- Gandy

BGLP:pjm
(11)

~~CONFIDENTIAL~~

RECEIVED READING ROOM
SEP 14 1955

32 AM '55

WNY

Letter to the Attorney General

A confidential source of the New Haven Division, who has furnished reliable information in the past, reported that Sommer was a member of a secret Communist apparatus for Government employees in Washington, D. C., during the period 1939 to 1942. This confidential source reported that Sommer held secret Communist meetings in his home during that period. On August 23, 1945, a self-admitted former member of the Communist Party and Communist Political Association, who was active in secret Communist groups in a leadership capacity in Washington, D. C., and Denver, Colorado, from 1936 to 1942, advised that Sommer was a member of a secret Communist Party group at the National Labor Relations Board during at least a portion of the time that Sommer was employed there. Sommer was interviewed under oath in connection with a Hatch Act investigation on October 22, 1941, at which time he denied membership in the Communist Party or the Young Communist League.

According to articles appearing in the "Daily Worker," an avowed secret Communist newspaper, and the "New York Daily Worker," a monthly publication of the New York Chapter of the National Lawyers Guild, Sommer was active in the National Lawyers Guild in 1943, 1951, 1953 and 1954. According to the latter-mentioned publication, Sommer was elected a member of the Board of Directors of the New York City Chapter of the National Lawyers Guild for the term 1954-1955. The National Lawyers Guild has been cited by the House Committee on Un-American Activities as a Communist front organization. A confidential source, in a position to know, advised that the name "Frank Sommer, National Lawyers Guild," appeared on a list of the nominees of the Constitutional Committee of the Civil Rights Council and that this had been unanimously approved by the Civil Rights Congress on April 27-28, 1940. The Civil Rights Congress has been designated by the Attorney General of the United States under the provisions of Executive Order 10450.

Letter to The Attorney General

In November, 1953, the United States Attorney, Pittsburgh, Pennsylvania, advised that Frank J. Bommer was defense counsel for the Pittsburgh Smith Act subjects. The United States Attorney at Philadelphia, Pennsylvania, advised that Bommer attended a pretrial conference concerning the Smith Act trial in Philadelphia, Pennsylvania, on February 2, 1954, at which time it was announced that Bommer would assist the defense during the trial. On April 12, 1955, United States Attorney Simon S. Cohen of Connecticut advised that Bommer was replacing Marvin Harp as attorney of record for the Connecticut Smith Act defendants James Tate and Sidney Heenich.

In the April 10, 1954, issue of "The Nation," there appeared an article by Frank J. Bommer entitled "The Informer." In the introduction, the author stated that he hoped "to show in this article that the continued use of political informers offers a great threat to the American tradition of individual freedom and fair play and to the preservation of national unity and morale." In this article, Bommer referred to the FBI as a political police and tried to point out that material from FBI files found its way to congressional committees and had been used by the Attorney General to make a "partisan political attack on a former president." The article was critical of the role of the informer, of the FBI, and of the Department of Justice in security investigations.

See - Mr. William F. Rogers
Deputy Attorney General

See - Assistant Attorney General
William F. Tompkins

~~CONFIDENTIAL~~

Letter to The Attorney General

YELLOW: Reference is made to memo 8/30/55, Belmont to Boardman, on which Director commented, "Send memo to AG re Donner and his forthcoming book." New York has been instructed to maintain contact with [redacted] for information as to extent of Communist assistance given to Donner in preparation of his book and as to the identities of the publisher and the publication date.

b7D

~~C~~

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

DATE: August 30, 1955

FROM : Mr. A. H. Belmont

~~CONFIDENTIAL~~SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C
Bufile 100-25688~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.~~

Tolson ✓
Boardman ✓
Nichols ✓
Belmont ✓
Harbo ✓
Mohr ✓
Parsons ✓
Rosen ✓
Tamm ✓
Sizoo ✓
Winterrowd ✓
Tele. Room ✓
Holloman ✓
Gandy ✓

Airtel from New York dated August 26, 1955, set out that Frank Donner, a lawyer from New York City, was writing a book which is concerned with the FBI and the informant system. According to [redacted], the book will be anti-FBI and anti-Department of Justice. Informant ascertained that the Communist Party is helping Donner select material for this book and a review is being made of transcripts of trials in which informants have testified. You asked "What do we have on Donner?"

Frank Joris Donner was born February 25, 1911, in Brooklyn, New York. He received his academic education at the University of Wisconsin, graduating in 1934. He attained membership in Phi Beta Kappa. Graduated from Columbia University Law School in 1937 and visited Russia in 1939 to perform legal research for Columbia University. He was employed as an assistant attorney, National Labor Relations Board, in Washington, D. C., 1940 to 1945. From 1945 to 1949 he was employed as assistant general counsel for the CIO in Washington and from 1949 to present time he has been engaged in private law practice in New York City. He maintains law offices at 104 East 40th Street, New York, and resides in South Norwalk, Connecticut. His wife is Madeline Jaffe Donner. She is a sister of Philip Jaffe, one of the subjects of the Amerasia case in 1945.

Donner was reported to be a member of a secret Communist apparatus for Government employees in Washington, D. C., during the period 1939 to 1942. He is reported to have held secret Communist meetings at his home during this period. He was interviewed under oath in connection with a Hatch Act investigation on October 22, 1941, at which time he denied membership in the Communist Party or Young Communist League.

cc - Mr. Boardman
Mr. Belmont
W. C. Sullivan
Mr. Nichols
Mr. Bagley
Mr. Pettit

BGLP:lfj
(7)

~~CONFIDENTIAL~~

RECORDED - 77

APPROPRIATE AGENCIES

ADVISED BY ROUTING

STAMP(S) OF CLASSIFICATION

DATE 7-26-77 REC

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
NY, 9/8/55
AIR-TEL

~~CONFIDENTIAL~~

Transmit the following Teletype message to: BUREAU

FRANK DONNER; SM - C

Remyairtel, 8/26/55.

CLASSIFIED BY 5886 3/1/78
EXEMPT FROM GDS, CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

[redacted] on 9/7/55, advised he has also ascertained from SAM BARON of the CRC and CHARLES COE, who has been active in CP farm work, that the CP is helping DONNER prepare a book on the informant system through research of the transcript of testimony of informants as Government witnesses in various trials. The book will be anti-FBI and Department of Justice.

- 3 - Bureau (RM)
2 - New Haven (RM)
1 - Newark (RM) (CP, USA, District #14)
1 - [redacted] (P&C)
1 - [redacted] (JOHN STEUBEN)
1 - [redacted] (CP, USA, District #14)
1 - NY [redacted] (P&C) (7-4)
1 - NY 100-66938 (CHARLES COE) (20-11)
1 - NY 100-14691 (ABNER GREEN) (12-15)
1 - NY 100-84275 (WILLIAM PATTERSON) (12-16)
1 - NY 100-52331 (SAM BARON) (12-14)
1 - NY 100-80675 (CRC) (7-2)
1 - NY 100-3620 (ACFPB) (7-2)
1 - NY 100-114330 (CAMERON AND HAYN PUBLISHING CO.) (7-2)
1 - NY 100-81675 (PAMPHLETS AND PUBLICATIONS) (12-14)
1 - NY 100-118562 (ARTHUR KINVOY) (12-15)
1 - NY 100-89862 [redacted] (12-14)
1 - NY 100-117431 [redacted] (20-11)
1 - NY 100-95240 (LYL) (12-14)

APPROPRIATE AGENCIES
FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF CLASSIFICATION
DATE 9-26-77 GBJ/RET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

Classified by 2833
Exempt from GDS, Category 2
Date of Declassification Indefinite

RHB:DAJ (7-4)
100-11342 (7-5)

ALL INFORMATION CONTAINED
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EXCEPT WHERE SHOWN
OTHERWISE.

RECORDED - 77

SEP 9 1955

Approved _____ Sent _____ M Per _____
Special Agent in Charge

Mr. Belmont

71 SEP 16 1955

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

Page Two.

~~CONFIDENTIAL~~

Transmit the following Teletype message to:

Informant advised JOHN STEUBEN, Editor of "March of Labor", COE and BARON specifically referred to DONNER as preparing a "big book" concerning the subject matter of informants. Informant believes that STEUBEN, COE and BARON did not have reference to DONNER'S article on informants that appeared in the April 10, 1955 issue of "The Nation".

Informant believes the Cameron and Kahn Publishing Company might publish the book as this company published the MATUSOW book. Informant advised this publishing company publishes books that, although originating with the CP, "do not have the CP tag attached to them" as would books published by Masses and Mainstream, International Publishers, and New Century Publishers.

Informant advised that it is his opinion that the Party is undoubtedly the origin of the idea for DONNER'S book.

Informant is also of the opinion that WILLIAM PATTERSON of the Civil Rights Congress (CRC) might be channelizing information to DONNER because PATTERSON, as head of the CRC, normally would receive this type of information.

Informant also expressed the opinion that ABNER GREEN of the American Committee for the Protection of Foreign Born (ACFPB) might be channelizing information to DONNER for his book, because the ACPFB would logically be the recipient of information concerning the testimony of informants because of this organization's experience in handling many defense cases, mainly in connection with INS.

Informant was unable to furnish any additional information concerning this book at this time but advised he would discreetly make every effort to gain further information through CHARLES COE, whom he described as a very garrulous person.

Approved _____ Sent _____ M Per _____
Special Agent in Charge

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

Page three

~~CONFIDENTIAL~~

In addition, on 8/4/55, NY 1401-S* advised that [redacted] Labor Youth League, contacted a Mr. KINOY, NYC, [redacted] stated that he understood that KINOY had spoken with [redacted] (an active member of the LYL in NYC.) about getting someone to help on "some statistical work." [redacted] advised KINOY that he had "someone with him now who can help," and offered to let KINOY speak with the person. KINOY declined to do so, but instructed [redacted] to send the person to his office at 10:00 AM on 8/5/55. [redacted] agreed to this, and quoted KINOY'S office address as "342 Madison Ave., Room 930." (X)

b6
b7C

A survey at this address on 8/8/55, revealed that it was the offices of DONNER, KINOY, and PERLIN attorneys. (FRANK J. DONNER, ARTHUR KINOY and MARSHALL PERLIN.) (X)

From the above information it would appear that the Labor Youth League may be assisting KINOY, a law partner of DONNER, in some kind of research. (X)

Bureau and interested offices will be kept advised. If this information is used in a report or disseminated outside the Bureau, it must be carefully paraphrased to protect the identity of the informant. (u)

KELLY

Approved _____ Sent _____ M Per _____
Special Agent in Charge

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: 9/22/55

FROM : SAC, NEW YORK (100-11342)

SUBJECT: FRANK DONNER
SM-C

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

Re NY airtel, 8/26/55.

On 8/29/55, [redacted] made available to SA [redacted] and SE [redacted] and undated letter from the American Committee for Protection of Foreign Born to "Dear Friend" and signed by ABNER GREEN, Executive Secretary.

This letter enclosed a questionnaire requesting information for a survey being conducted by the ACPFB on use of informants and professional witnesses in deportation and denaturalization proceedings. In view of the fact that [redacted] has previously stated that he believed the ACPFB may be channelizing information to DONNER for his book, the complete text of this letter and questionnaire are being set forth as they may indicate the type of information which will appear in subject's book. This letter and the questionnaire are being maintained in the 1A exhibit of NY file 100-3620.

"Dear Friend:

"We enclose a questionnaire requesting information for a survey we are conducting on the use of informers and professional witnesses in deportation and denaturalization proceedings.

"It is felt that attorneys handling deportation and denaturalization cases have had unique opportunities to obtain a close view of informers and professional witnesses in action and a correlation of their experiences would do much to round out the picture of the operation of the informer system.

"The attached questionnaire is designed to elicit information on the following questions:

"1) The number and pattern of use of informers and professional witnesses.

"2) Their untrustworthiness and corruption.

"3) Their appearance and continued use after their untrustworthiness has been publicly exposed.

RM

RECORDED-61

- 1 - New Haven (100-14085) (RM)
- 1 - NY (100-14691) (ABNER GREEN) (12-16)
- 1 - NY (100-3620) (ACFPB) (7-2)

RSK:am

OCT 17 1955

~~CONFIDENTIAL~~

EX 101

CLASSIFIED BY 4913 AP/ER
EXEMPT FROM GDS
DATE OF DECLASSIFICATION INDEFINITE 4/25/01
Exempt from GDS Category 2
Date of Declassification Indefinite
9-2-77

APPROPRIATE AGENCIES
ADVISED BY ROUTING
SLIP 9-30-77
100-3620-63
1955
EX 101

~~CONFIDENTIAL~~

Letter to Director
NY 100-11342

"4) Evidence that threats of prosecution under the 'anti-alien' laws or criminal sanctions are used against informers to procure their cooperation and testimony.

"5) The economic inducements to professional witnesses and the extent of their overall economic stake in a successful proceeding.

"We would appreciate receiving as much information as you can make available within the next week or two in response to the attached questionnaire.

"We want to thank you for your cooperation and assistance.

"Sincerely yours,

"/s/ Abner Green
"Executive Secretary"

(Questionnaire)

"American Committee for Protection of Foreign Born
23 West 26th Street, New York 10, N. Y.

"(As far as possible, full record citations should be given in answering the questions below.)

"1. List cases by names and dates on which informers were used.

"2. List names of informers or professional witnesses and dates of their appearance in each case.

"3. If it is impossible to answer (1) and (2) from records, please give detailed summary of number of cases in which informers have appeared.

"4. How were the informer/witnesses paid? Were they consultants, employees of the Justice Department, or paid solely on a case basis?

"5. Where the informer/witness was not an employee of the Justice Department, to what extent did he make his living as a professional witness?

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Letter to Director
NY 100-11342

"6. To what extent was the free-lance witness dependent on other types of "anti-subversive" activities for his livelihood?

"7. In the cases you have handled, has the hearing officer or Board of Immigration Appeals expressed itself favorably or unfavorably concerning the credibility of the witnesses under review? If so, please give details and, if possible, quotations from opinions.

"8. Have you any evidence that government witnesses - whether free-lance or full-time employees - are used also to finger non-citizens as possible targets for deportation or citizens for denaturalization.

"9. Are there any facts or circumstances which have come out in your cross-examination of government witnesses which you believe would be of interest or importance? If so, please give details and quotations wherever available. It would be helpful if you could furnish copies of any briefs analyzing informer testimony, as well as descriptions of the way in which the government defended witnesses under attack.

"10. Do you have any examples of identifications made by government witnesses which are remote in time or, for some other reason, highly implausible?

"11. Do you have any examples of collusion between a principal and a corroborating witness?

"12. Can you give instances of coercion or blackmailing of government witnesses or their relatives on the basis of "anti-alien" laws or other coercive influences?"

~~CONFIDENTIAL~~
3
~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

~~CONFIDENTIAL~~

AIRTEL
NEW YORK, 9/19/55

Transmit the following Teletype message to: BUREAU

FRANK DONNER; SM-C. (SECURITY MATTER - C) ~~SECRET~~

FD-36
Mr. Tolson ✓
Mr. Boardman ✓
Mr. Nichols ✓
Mr. Belmont ✓
Mr. Harbo ✓
Mr. Mohr ✓
Mr. Parsons ✓
Mr. Rosen ✓
Mr. Tamm ✓
Mr. Sizoo ✓
Mr. Winterrowd ✓
Tele. Room ✓
Mr. Holloman ✓
Miss Gandy ✓
BAUMGARDNER

For the information of the Cleveland Office, the Bureau has received information that subject is currently writing a book about the informant system of the FBI and it is very anti-FBI and Dept. of Justice.

The NYO is endeavoring to discreetly ascertain all the facts surrounding the writing of this book.

On 9/12/55, NY 603-S* advised that (CARL) MARZANI, former UE employee, said that the book, "The Untold Story", is in print now in Vermont. MARZANI said that he is anxious that ALBERT FITZGERALD, President of UE, have a copy of the book while he is at the UE National Convention in Cleveland and that WILLIAM CAHN, of the UE, have a copy of it for the Board meeting in order to display it.

MARZANI said he would endeavor to secure a set of page proofs and a dummy copy of the book at that time.

Cleveland is requested to discreetly attempt to ascertain the contents of an authorship of above book to determine if it is the book in question.

Mr. Belmont

KELLY

CLASSIFIED BY 5886 3/1/78
EXEMPT FROM GDS, CATEGORY 2
DATE OF DECLASSIFICATION INDEFINITE

MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

RECORDED - 86

100-25688-67

13 SEP 26 1955

③ - BUREAU (100-25688) (RM)
2 - CLEVELAND (RM)

RSK:JLK (#7-5)
100-11342

EX - 113

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF 3/10/78
DATE 3/10/78 SPIS/jut

Approved _____ Sent _____ M Per _____
Special Agent in Charge

1 SEP 29 1955

~~CONFIDENTIAL~~

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson	_____
Mr. Boardman	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Harbo	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Sizoo	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Transmit the following Teletype message to: BUREAU

FBI, CLEVELAND (100-22608)

DIRECTOR, FBI (100-25688)

FRANK DONNER
SM-C

9-23-55

Re NY airtel 9-19-55.

Source made available instant date a specimen of the jacket of book referred to in reairtel. This jacket carries caption, "Labor's Untold Story". In small print the following is set out, "The adventure story of the battles, betrayals and victories of American working men and women". RICHARD O. BOYER and HERBERT M. MORAIS are listed as authors. The names "CAMERON and KAHN" appear as possible publishers.

The jacket cover consists of a photograph of a picket line showing numerous pickets facing a line of policemen. The pickets are carrying signs referring to the "Republic Steel" (Company). Efforts are being continued to ascertain contents of above book.

HAWKINS

JFK:bn
(6)

cc: NEW YORK (100-11342)(RM) RECORDED-124

REGISTERED MAIL

14 SEP 26 1955

Mr. Belmont

AIR TEL

Approved: *Holt*

Special Agent in Charge

Sent

M

Per

Office IV

VERNMENT

TO : DIRECTOR, FBI (100-25688)
FROM : SAC, NEW YORK (100-11342)
SUBJECT: FRANK JORIS DONNER
SM-C

DATE: 9/30/55

Re NY letter, 8/26/55.

Referenced letter reflects that NY informants have advised that FRANK DONNER, a lawyer from NYC, is writing a book which is concerned with the FBI and the informant system and which is reported to be anti-FBI and anti-Department of Justice.

On 8/29/55, [redacted] made available to SA [redacted] and SE [redacted] a letter dated 4/25/55, from A. HARRY LEVITAN, 1412 Fox Building, 1612 Market St., Philadelphia, Pa., to the New York Committee for Protection of Foreign Born, 23 West 26th St., NY 10, NY, Att: Mr. [redacted]. This letter is probably in reference to the book which informants have reported is being written by the subject.

This letter is quoted as follows:

"By way of reply to your letter of April 23, I wish to advise you that Leonard Patterson has been a witness in five or six deportation cases in Philadelphia where I have been counsel for the respondent in deportation. During those cases I have intensively cross-examined him.

"The pattern of his testimony is generally the same and while cross-examination has had, among its purposes, an attempt to prove both the sheer impossibility of believing him and also substantial inconsistencies in his testimony, I cannot say that I have been able to show, through him, that any testimony which he has given is false. In other words, while I have a very complete record of all his activity and a fairly complete record of the places where he spent his active life, I cannot show that his testimony in any material regard is false.

RECORDED-107

INDEXED-107

12 OCT 4 1955

- 1 - New Haven (100-14085) (FRANK DONNER) (RM)
1 - Philadelphia (100-) (A. HARRY LEVITAN) (RM)
1 - New York (100-3620) (ACFPB) (7-2)
1 - New York (100-119153) (NYCPFB) (7-2)
1 - New York (100-109966) [redacted] (12-16)
1 - New York (100-50765) (LEONARD PATTERSON) (12-16)

BSK:am

58 OCT 11 1955

Letter to Director
NY 100-11342

"Of course, I have two cases at the present time where the respondents have taken the stand and have testified that he is a liar in the most important regard, but those two cases are still under advisement by the special inquiry officer and, of course, I cannot say that Patterson will be disbelieved.

"Therefore, the only thing that I can do would be to give you something in the nature of a biography and I am not certain that this would be of great value even though it would be fairly extensive.

"In view of all this, I think it would be best if you would indicate how I could be helpful.

"Sincerely,

"/s/ A. Harry Levitan

"P.S. I am most interested in your effort and would appreciate hearing the details."

This letter is being maintained in the 1A envelope of NY file 100-109966.

Philadelphia is requested to discreetly obtain all information available relative to this book being written by DONNER.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: October 27, 1955

FROM: SAC, CLEVELAND (100-22608)

SUBJECT: FRANK DONNER
SECURITY MATTER - C

Re New York airtel, 9-19-55, and Cleveland airtel, 9-23-55.

Referenced New York airtel requested the Cleveland Office to discreetly attempt to ascertain the contents and authorship of a book believed to be entitled "The Untold Story," which might possibly be in possession of WILLIAM CAHN or HERBERT FITZGERALD who were in Cleveland for the National UE Convention.

On September 23, 1955, an anonymous source made available a specimen of a book cover which was maintained with a number of subject specimens in the hotel room of WILLIAM CAHN. This covers contains the caption "Labor's Untold Story." RICHARD O. BOYER and a HERBERT MORRIS are listed as authors. The following statement is set forth in small print on the cover:

"The adventure story of the battles, betrayals and victories of American working men and women."

The names CAMERON and KAHN appear as the probable publishers. Due to the similarity of names, it is believed that this book is probably identical with the book referred to in referenced New York airtel.

The original and photostatic copy of this book cover are being enclosed herewith for the New York office and one photostatic copy is being enclosed for the Bureau.

Source made available no further information concerning the contents of the book.

On September 23, 1955, an anonymous source also made available the contents of the hotel room occupied by HERBERT FITZGERALD, National UE President. No information concerning instant book was located among the contents of FITZGERALD's room.

RHB:aec
(4)

Encl. - Bureau (1)

cc: 1 - New York (100-11342) (encl. - 2)

REGISTERED MAIL

RECORDED - 4

INDEXED - 4

OCT 31 1955

SUBV. CONTROL

52 NOV 3 1955

DIRECTOR, FBI

Also on September 23, 1955, an anonymous source made available the contents of the large manila folder which was in the possession of WILLIAM CAHN as he was preparing to depart from Cleveland on that date. No information concerning this book was located among the contents of this manila folder. No other information concerning this book was obtained during the course of the UE National Convention in Cleveland held during the week of September 19 through 23.

RUC

THE UN-AMERICANS

For twenty-three years the House Committee on Un-American Activities has investigated at will thousands of individuals and hundreds of organizations, and labeled them "subversive." They have given their victims no opportunity to confront their accusers. A modern pillory, this Committee punishes dissenters—anyone who disagrees with its undefined version of Americanism. This is not just a witch-hunt: it is an institution, successfully enforcing conformity. It has silenced opposition by intimidation. Its opponents are persecuted, and have been jailed for contempt.

In 1960 the public protest began.

- Thousands of Students demonstrated against the Committee in San Francisco, shouting "Give Us Back Our Civil Liberties."
- Professors and students have formed groups on many campuses to end the Committee.
- More than 250 leading scholars, theologians, and politicians have publicly called for the Committee's immediate abolition.

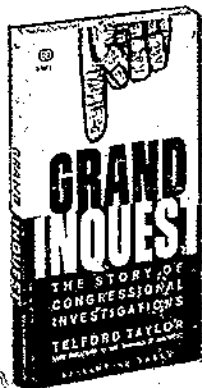
The Committee has threatened to "expose" all its opponents, to show them to be part of a huge "subversive plot."

Today, in spite of public protest, the Committee is very powerful. It will not be defeated easily. BUT IT CAN BE ABOLISHED—and this book is a powerful weapon.

ALSO

GRAND INQUEST, by Telford Taylor. A brilliant survey of ALL Congressional investigation—how it started and developed, why it is vital, how it has been used in the past, how it is being used now, what dangers of domestic conflict it presents and what can be done about them.

"High minded analysis... A triumph of sanity."
—NEW YORKER



This is an original publication—not a reprint.

Printed in U.S.A.

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BB

X 510 K

60c

"THE HOUSE UN-AMERICAN ACTIVITIES COMMITTEE IS THE MOST UN-AMERICAN THING IN AMERICA." HARRY S. TRUMAN

THE UN-AMERICANS

the first fully documented account of the notorious House Committee on Un-American Activities — how their abuse of power is being met by a growing opposition.

Frank J. Donner

BALLANTINE BOOKS

This book provides the full and careful documentation of the House Un-American Activities Committee: how it began; how it kept going; who are its leaders; why it is supported by the southern Democrat-conservative Republican coalition; why it needs headlines for existence; why it travels like a theatrical company; how it works with the FBI, the American Legion, and other private patriotic groups. Most of all you will be astounded at the extent of the Committee's surveillance network. It is literally an Orwellian "Big Brother" that watches all potentially "subversive" Americans by keeping millions of names of individuals and thousands of organizations in a huge cross-reference file which is open to friends of the Committee if they want to "get someone."

As Frank Donner says: "This Committee has broken more records than Babe Ruth." It has spent the most money, called the most witnesses, published the most pages, visited more places, ruined more lives and is responsible for the least legislation of any Committee in Congress. This roving inquisition drops in on a city, investigates, and leaves. Many people have lost their jobs, and some have become permanently unemployable: they have been branded.

In this book Frank Donner—a constitutional lawyer—has filed a complete brief for the American people. He has provided, in a lively, compelling style, the factual and analytical ammunition necessary for every American to defend himself against THE UN-AMERICANS.

To the youth of America in quest of vanishing freedoms.

*All, all of a piece throughout;
Thy chase had a beast in view;
Thy wars brought nothing about;
Thy lovers were all untrue.
'Tis well an old age is out,
And time to begin anew.*

John Dryden

The
UN-AMERICANS

Frank J. Donner

Ballantine Books

New York

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BALLANTINE BOOKS, INC.
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1 REVOLT OF THE NONREVOLUTIONARIES

On Friday, May 13, 1960, about 100 San Francisco policemen, reinforced by a squadron of motorcycle cops in black boots and white helmets, turned fire hoses on a group of 200 students in San Francisco City Hall. When the students sat down in the face of the hosing, they were beaten with clubs and dragged out of City Hall, some of them by their feet with their heads bumping down the marble stairs.

New York Post correspondent Mel Wax, describing the bloody marble staircase in City Hall, wrote:

It was down those 38 steps that those who protested the hearing were clubbed, beaten, soaked with high-pressure fire hoses, and dragged kicking and screaming by white-helmeted policemen.

I saw it happen. Never, in 20 years as a reporter, have I seen such brutality. San Francisco police hurled women down the staircases, spines bumping on each marble stair. I saw one woman dragged through glass from a broken front-door pane.

Two big cops seized a thin, gray-suited student from the University of California. One held him while the other hit him, again and again, in the stomach.

The hosing was the climax of a three-day protest against the House Un-American Activities Committee (HUAC) by the students of California's Bay area. Shortly after HUAC began hearings, on Thursday, May 12, more than 1,000 students attended a protest rally. During the entire three days, the hearings were picketed by crowds which, at their peak on Saturday, May 14, (the day after the attack on the students) had swelled to an estimated 5,000, including students, parents, professors, ministers and plain citizens. They demanded HUAC's abolition, challenged its legality and denounced its abuses.

While HUAC has never lacked for critics, this was by far the most vigorous expression of opposition in all of its

stormy 23-year history. J. Edgar Hoover, FBI chief, promptly labeled the demonstration "Communist-instigated riots," and reported that it was "the most successful Communist coup to occur in the San Francisco area in 25 years." HUAC moved swiftly to cover itself, screaming that the demonstrators were dupes or Communist plotters. But neither Hoover nor HUAC explained how so many thousands had been persuaded to blindly surrender their independence. Nor was any identification offered of the Red Pied Pipers who had snared these victims.

Sixty-four of the protesters—most of them students—had been arrested and charged with inciting to riot, resisting arrest and disturbing the peace. When the charges against 63 were subsequently dismissed, 58 of them issued a statement: "Nobody incited us, nobody misguided us. We were led by our own convictions and we still stand firmly by them."

Why had anti-HUAC feeling crystallized so firmly in San Francisco?

This was not the first visit of HUAC to San Francisco—it was the fourth. The Committee had first come to town in 1953, again in 1956, yet again in 1957. The 1957 hearings were darkened by the suicide of William Sherwood, a subpoenaed scientist. His suicide note said he could not face the ordeal of a televised hearing.

These periodic hearings had met ever-increasing opposition and left a deposit of anger and resentment. By 1959, when HUAC subpoenaed 110 public-school teachers—40 from Northern California and 70 from Southern California—the Committee was forced to retreat in the face of outraged public protest by Democratic Party groups, churches, organized labor, educators, students and the press. The 1959 hearings were canceled. In 1960 HUAC returned to the attack.

For the students—most of them from the University of California, our nation's largest—opposition to HUAC was inevitable. They had organized a campus group, Students for Civil Liberties, for the express purpose of opposing HUAC. This movement and SLATE, a liberal political organization on the California campus, were local expressions of a nation-wide student ferment. The "beat" generation was giving way to a generation of protest. As two professors, Drs. Bernard Biggs and Albert Anderson have written, "Five years ago, the vocal minority on cam-

poses was 'beat'—passive, cynical and pessimistic. Now they're willing to take action on issues that appeal to their moral concern."

This student movement has seen a generation alienated from the controversies of our time by fear or cynicism. Motivated primarily by ethical and moral concerns, it had gone into action on issues such as civil liberties, the Southern sit-in fight against Jim Crow, protests against the H-bomb and nuclear testing, etc. At California, this movement was widespread and lively. The City Hall demonstrations took place only seven days after the execution of Caryl Chessman, an event which had drawn a tremendous student response climaxed by a mass demonstration of protest against capital punishment.

Opposition to HUAC is not confined to students. The San Francisco violence dramatized a rapidly growing movement for HUAC's abolition which now has the support of prominent American political and religious leaders, educators, lawyers, trade unionists and writers. The church and the campus have become centers of the abolition movement.

Three of our presidents have commented critically on HUAC and its activities. President Franklin D. Roosevelt said of HUAC, "It is sordid—flagrantly unfair—and un-American." In 1959, President Truman said "The Committee on Un-American Activities is the most un-American thing in America." In the course of the presidential campaign, President Kennedy—like ex-President Truman, no stranger to the congressional investigative process—deplored abuses in legislative investigations: it can hardly be doubted that he had HUAC in mind when he said, "The legislative investigations, designed and often exercised for the achievement of high ends, has too frequently been used by the Nation and the State as a means for effecting the disgrace of private persons."

Many American newspapers which in the past had been almost solidly pro-HUAC, or at most mildly critical of its excesses, have moved to positions of sharp hostility. Some 15 large American dailies, including the *New York Times*, the *Washington Post*, the *San Francisco Chronicle*, the *New York Post* and the *St. Louis Post-Dispatch*, have editorialized for the Committee's abolition. Three Wisconsin

newspapers have endorsed Wisconsin Governor Nelson's abolition plea.

As the attack mounts, HUAC rings new changes on the charge of a Communist plot; its opponents, the Committee ever more stridently claims, are either agents or dupes of Moscow. But there are more cogent reasons for the flowering of the movement to end HUAC.

For more than a decade we have been steadily losing our freedoms. The obsession with anti-Communism and security, transformed into a national psychosis during the McCarthy era, resulted in systematic attacks on free speech, press, assembly and opinion. The policing of dissent by agencies of government became a routine feature of our lives. Witness the sedition prosecutions under the Smith Act, the intimidations of the FBI, the rash of loyalty oaths, the security-screening apparatus which blankets American industry, the emergence of the informer as hero, the wave of deportation and denaturalization proceedings against the foreign-born, the restrictions on the right to travel, the manifold attacks on organizations and on the freedom of association, and the congressional witch hunts.

True, the excesses of the McCarthy era have abated somewhat: the Army, the State Department, and our libraries abroad are no longer fair game for witch hunts. But our entire society is still infected with the contagion of caution, fear and silence. At the root of the conformity which has engulfed us is a pervasive self-censorship, a loss of the sense that freedom is every American's birthright. Our people have come to live in terror of being publicly identified with the minority. The questioners, the "agin'ers," the come-outers and the dissenters simply feel themselves to be too menaced by their environment to question, to be against, to come out and to dissent. As the domestic frontiers of our freedom contract, the Government drenches the world with renewed boasts of our free democratic life—an irony which has amused even our friends and well-wishers abroad.

The mounting opposition to HUAC stems in part from the conviction that it has contributed enormously to our present plight. Because of its repressive "fall-out," its impact on our basic freedoms has been incomparably more destructive than that of any other government activity. To

be sure, dissent has been stifled by restrictive legislation, but it has been wounded far more deeply by fear of public exposure and reprisal, the Committee's most potent weapon. Like salt flavoring the sea, the threat of HUAC's activities pervades the entire process of individual and group expression on the vital issues of our time. Civil liberty has been poisoned by fear of the Committee—fear of its subpoenas, fear of being “named” by its informers, fear of joining or remaining a member of a “cited” organization, fear of signing petitions, fear of supporting causes or movements which might be condemned by HUAC. In the view of many, we cannot find our way back to freedom unless HUAC is abolished.

The Committee's highly personalized use of its powers has also stirred a torrent of protest. HUAC is supposed to obtain facts in order to help Congress discharge its legislative responsibilities. Instead, it is charged, HUAC uses the investigative power to attack the witness—“to disgrace private persons,” as President Kennedy put it.

A hearing is essentially a trial of the witness suspected by the Committee of subversion—but without any of the traditional safeguards of a trial. Its purpose is to alienate the witness-defendant from the protections of his society and to bring about his ruin. This use of the investigative power is called “exposure,” and has been a self-proclaimed Committee objective from the very beginning.

HUAC's hearings have emerged as a modern counterpart of the ancient pillory, a form of public humiliation and punishment. The pillory was an invitation to the community to work its will on the helpless victim; so is a HUAC hearing. The use by HUAC of its hearings to expose and punish was condemned by the United States Supreme Court in 1957 as a perversion of the power to investigate. “We have no doubt,” the Court ruled in the *Watkins* case, “that there is no congressional power to expose for the sake of exposure.” Yet the Committee continues to point the finger of suspicion, accuse, try and punish.

Here are some facts about the anatomy of these hearings: In the first place, it is not a Federal crime to be a member of the Communist Party. In fact, the Internal Security Act of 1950 provides:

Neither the holding of office nor membership in any Communist organization by any person shall constitute per se a violation of . . . this section or of any other criminal statute.

But the Smith Act makes it a crime, among other things, to advocate knowingly the desirability of overthrow of the Government by force or violence; to organize or help to organize any society or group which teaches, advocates or encourages such overthrow of the Government; or to become a member of such a group with knowledge of its purposes. Evidence that a person is or has been a member of the Communist Party or that he attended Party meetings or associated with Party members would be links in a chain of proof that might lead to the discovery of evidence needed for a Smith Act prosecution.

Let us assume for a moment that you are, or have been, a Communist. This is a belief to which you have a constitutionally protected right. Furthermore, you have never indulged in any criminal *act* in connection with this belief. Should you plead the First Amendment (which protects your right to have a belief), you will be in contempt of Congress and liable to a jail sentence and fine, for the courts have ruled that the free speech and assembly protections of the First Amendment are not a valid reason for refusing to answer HUAC's questions. An answer might be a clue or a link in a chain of proof of a Smith Act violation. Should you plead the Fifth Amendment (which protects your right not to incriminate yourself), then, because you refuse to deny that you are a Communist, in the context of a HUAC hearing you are guilty by inference (it does not matter that guilt by inference has been specifically condemned by the Supreme Court—remember we are now in a HUAC hearing). Despite the fact that a plea of the Fifth is supposed to protect the *innocent* witness who fears *unfounded* prosecution, HUAC uses it to defame and disgrace the witness. Suppose you are ready to gamble with the risks of prosecution and to answer the \$64 question right out, "Yes, I am a Communist (or have been)?" And the answer is very simple—if you answer HUAC's \$64 question, in effect you waive the right to plead the Fifth to any questions that follow: thus you are forced to inform on former friends or associates, or go to jail on contempt charges.

But you may be completely innocent of any connection with the Communist Party whatever. You still have the right to plead the Fifth in order not to "open the door" to further enquiry. If you swear under oath that you are not, and never have been, a Communist, you may waive the right to use the Fifth Amendment to avoid answering any questions about other organizations which the Committee chooses to ask you. And even if your denial is not a waiver, it would make the plea of the privilege about other organizations so revealing as to be meaningless.

Furthermore, if you answer in the negative and HUAC refuses to credit your denial, you may be indicted for perjury.

These are the mechanics of a system which weighs and disposes of our lives. These are the rules of a game as weird as the legal proceeding described in Kafka's prophetic novel *The Trial*, in which an arm of the state, moved by dark, concealed and vengeful compulsions, plucks out and punishes men for phantom crimes.

There is a widespread feeling that the Committee's time of judgment has arrived. During the 16 years of its functioning as a standing committee, it was rarely called upon to justify itself. The pressures of the cold war disposed many to forgive its trespasses. If the relationship between what it was doing and the legislative process seemed obscure, it would be ultimately clarified. If witnesses were injured or defamed in the course of a hearing, that was an unavoidable consequence of the hunt for facts. If the facts for which the Committee claimed to be hunting never emerged, that merely pointed to the need for greater perseverance and more hearings. All the returns are now in: the Committee is ripe for a reckoning.

The reckoning, it is claimed, shows that the Committee is bankrupt; that it has enormous liabilities and no assets. In the course of its never-ending investigations, it has blasted the careers of hundreds of professionals—writers, artists, teachers and lawyers. It has made "unemployable" numberless talented men and women in the mass-communications media and has forced the discharge and blacklisting of many workers in industry. Hundreds have been branded for life as traitors and reduced to pariahs. It has ruined the personal lives and mental health of scores of its

victims; its subpoena has been a trigger of unbearable anxiety and fear. A HUAC appearance, or a subpoena, contributed to the suicide or untimely death of at least 15 persons.

It has often been argued that HUAC's toll of freedom, livelihood, career, reputation and peace of mind is necessary—an unavoidable evil, a small price to pay to safeguard our security. The liabilities, it is claimed, are more than offset by the assets. But when we open the legislative account ledger and make a reckoning we discover that after all the Committee's scare headlines, its never-ending bouts with claimed threats to our existence and its sensationalized disclosures about the Red menace, it can claim credit for only one statute: the Internal Security Act of 1950, which was vetoed by President Truman and still has not been approved by the United States Supreme Court. One need not be a thrall of Moscow to conclude that on the record the Committee has not justified its existence.

HUAC is now some 23 years old. Created in 1938 as a temporary, special investigating committee, its seven-year childhood was a stormy one under the chairmanship of the redoubtable Martin Dies. In 1945, its temporary status was ended and it entered legislative adulthood as a permanent standing committee. It had been investigating Communism for 15 years when, in 1953, Senator McCarthy, a brash parvenu, broke into the act. The basic techniques of subversion-hunting were already thoroughly developed by HUAC; all that was left for the Wisconsin Senator was to intensify their application. When McCarthy's spectacular excesses brought him low, the Committee continued to do business at the old stand, the good gray dean of exposure.

This is not to say that the Committee no longer has any rivals. In 1951, the Senate, prodded by the late Senator McCarran, created a counterpart of HUAC in the form of a subcommittee of the Judiciary Committee. Under the leadership of Senators McCarran and Jenner, this Committee, from 1951 until 1955, offered stiff competition in hearings and headline-hunting to HUAC. Since 1955, the Committee, under the chairmanship of Mississippi's Senator Eastland, has grown rather dormant. More recently, Senator Dodd of Connecticut, a former member of the Federal Bureau of Investigation, has taken over the work

of the Senate subcommittee and launched it on a vigorous program with targets such as the movement to ban nuclear testing and the Cuban revolution.

HUAC is not merely the undisputed leader in its field; it is adjudged by many, both in and out of Congress, "the most powerful Committee in Congress." HUAC's life and times can only be described in superlatives: it has broken more records than Babe Ruth. A 23-year-old marathon investigation into a single subject—Communism and subversion—is in itself a wonder of the legislative world. In the course of its stupendous, generation-long, nonstop probe, the Committee has published more than 50,000 pages of hearings and reports—easily outdistancing all other congressional committees combined in this respect. It has issued over 5,000 subpoenas—another record—for it is estimated that this exceeds the subpoenas issued by all other congressional committees combined for the same period. During the term of its functioning as a standing committee, it has cited for contempt five times the number of witnesses cited by all other congressional committees combined in the same period. It has heard thousands of witnesses, some two or three times. In addition to a long list of Washington hearings, it has conducted hearings in about 25 cities—in some of them several times.

Its appropriations are also startling in proportion to the costs of other committees. In addition to the huge sums which it has expended for printing, it has received and spent in salaries alone almost \$5 million. Its annual appropriation for 1959, \$327,000, the highest in its history, was topped only by a very few important congressional committees. Its appropriation was greater than for the Ways and Means Committee and the Judiciary Committee, more than double that for the Committees on Education and Labor, Foreign Affairs and Banking and Currency. In 1960, it received another appropriation of \$327,000; a total of \$654,00 for a two-year period, during which time the Committee on Armed Services received \$150,000, the Ways and Means Committee \$300,000, the Committee on Education and Labor \$328,000, the Committee on Banking and Currency \$205,000, and the Judiciary Committee \$425,000.

While the appropriation for 1959-60 totaled \$654,000, HUAC actually cost the taxpayers a total of \$850,000—the \$200,000 difference representing additional outlays, in-

cluding printing. During 1960, HUAC printed about 332,000 copies of its hearings, consultations and reports at a cost of \$47,270.53, a sum nearly equal to the entire appropriation of the House Committee on Agriculture (\$50,000).

In 1961, HUAC asked for and received \$331,000, an appropriation exceeding that of almost any other committee of the House.

Composed of nine members, HUAC has a staff of 55—12% of the total complement of House legislative-committee personnel and the largest number of staff personnel of any legislative committee.

How and why did this extraordinary committee come into being?

2 BIRTH OF A CONGRESSIONAL MONSTER

The House Committee on Un-American Activities never had—and was never intended to have—a legitimate legislative function. Its birth certificate is a blueprint of the exposure system.

The resolution of 1938 under which the Committee functioned on a temporary basis authorized it to investigate

(1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution. . . .

This resolution thus planted the Committee's investigative authority with both feet in the middle of the First Amendment. "Propaganda" is a method of communicating ideas. It was impossible to investigate "propaganda" without evaluating those ideas—praising some and attacking others. This was censorship by investigation.

When the Committee was created, Chairman Martin Dies

acknowledged that any attempt to prevent or punish un-American activities by legislation "might jeopardize fundamental rights far more important than the objective we seek. . . ." But he found what to him was an ideal solution. His Committee was not going to introduce legislation banning or even policing un-American activities—propaganda or otherwise. That would be unconstitutional. In unconsciously ironic deference to our fundamental laws, he promised to confine himself to exposure—independent of a legislative end. He would expose and at the same time safeguard the rights of the people against legislative trespass. What could be fairer?

HUAC was designated as a "special" investigating Committee with limited tenure. It was to submit its final report on January 1, 1939, a scant seven months after its creation. Chairman Dies told the House that he was quite agreeable to this time limitation and that he would finish the job in short order.

By the time January rolled around, however, Dies was pleading with the House to extend his mandate for a full year. This the House did on the Chairman's claim that there was more un-Americanism and more subversion in the land than he had realized—and, unsaid, more newspaper headlines than an obscure Congressman could get by any other means.

The antisubversive prober has a natural advantage in the investigative sweepstakes: the deep-seated, emotional anti-Communism of most Americans. The more farfetched his disclosures, the more welcome they are. He deals in issues which trench to the heart of the Nation's existence. Their very gravity commands that he be given the benefit of the doubt. And he knows that if he strikes the right chords of sedition and treason with sinister overtones of plotting and secrecy, a receptive press will carry his accusations and warnings to every American hearth. Above all, he must name names—he must expose—for it is always open season on Reds and nothing is more productive of headlines than an attack on individuals.

If the antisubversive demagogue knows how to go about it, he can launch a spiraling probe which it is impossible to stop. Overnight he becomes a man with a mission, a scourge of traitors, a defender of the Nation, a patriotic awakener. Millions hang on his pronouncements; his press conferences are thronged with eager reporters demanding

new disclosures. He lectures Presidents, shares the spotlight with the FBI as a savior of our security, and becomes an authority on foreign policy whose warnings it is politically dangerous to ignore.

In 1939, the Committee reported that while Congress lacked the power under our Constitution to deny people the right to teach what it deemed to be subversive doctrines, "it does have the right to focus the spotlight of publicity upon their activities."

In 1940, the Committee avowed that its real purpose was not legislation but rather "to inform the American people of the activities" of subversive organizations by "turning the light of pitiless publicity" on them.

The Committee rapidly developed the notion that it had a unique, a special, function—*exposure*. "This is the only agency of government that has the power of exposure," it reported in 1941. And in 1943 it announced that "discovery and exposure" were its "special function" by mandate from the House. In that year it published the names, positions and salaries of 563 Government employees, alleged to be members of the American League for Peace and Democracy, because "the Committee felt that the Congress and the people were entitled to know who they were." This was only one of the many lists which the Committee published in the forties in the exercise of its self-assumed exposure function.

The Dies Committee never doubted for a moment that it could use the power of investigation to attack individuals, organizations and ideas on political grounds without violating the Constitution. It seemingly never occurred to the Committee that the First Amendment would be meaningless if its prohibitions were binding on the Congress as a whole but not on its investigating committees. And it actually boasted that it was engaging in a nonlegislative activity—the exposure of individuals. The Committee's "temporary" status had become a fiction: its mandate was renewed each year until 1943, when its tenure was extended to two years. Rooting out un-Americanism became a way of life.

Chairman Dies had really struck pay dirt, from his point of view, three months after the Committee was launched—in the testimony of just two witnesses. The first was

John P. Frey, President of the Metal Trades Department of the AFL, who for three days in August 1938 gave testimony attacking the CIO as a Red-dominated organization. Without any corroborating evidence at all, Frey cited scores of CIO unions as communistic and listed 283 alleged Communists in CIO unions.

Frey was succeeded on the witness stand by Walter S. Steele, Chairman of the American Coalition Committee on National Security, a confederation of 114 patriotic organizations. His testimony was significant because it marked the emergence of the vigilante network that became so important to the functioning of the Committee. Steele, who had testified before earlier antisubversive committees, charged some six and a half million Americans with subversion. He placed the names of 641 allegedly communistic organizations on the record and made Red charges against thousands of individuals. He even cast suspicion on certain Catholic organizations, the Boy Scouts, the Camp Fire Girls, and the American Society of International Law. Following what has become a persistent HUAC pattern, Steele had little or nothing to say about Fascist organizations, which, at the time he testified, were fairly prominent throughout the country.

Steele's testimony was too rambling and turgid to capture the headlines. But Frey had organized his material with the press in mind: his list of names was presented at the beginning of his testimony; each individual name was numbered and was followed by an identifying description together with data including the home city of the victim. The press blazed with headlines: "Communists Rule the CIO.-CIO Communist-Dominated From Top to Bottom, Frey Testifies; He Names 283 Reds." Many of those named were discharged and blacklisted in industry. The Committee gave Frey a stunning weapon against his arch foe, the CIO, and at the same time found an opportunity to perform some antilabor bloodletting on its own account.

Thus the technique of exposure was born: the Committee would provide a libel-proof forum for charges of subversion against named individuals made without cross-examination and for no legislative purpose; the press would publish the lists of names as well as the inflammatory trumpery accompanying the names as a news story deserving the most prominent coverage because it was tes-

timony before a Congressional committee; the community (including the employer) would do the rest.

Kenneth G. Crawford, analyzing Dies's success, pointed out:

It was probably the very success of the Frey testimony as an experiment in publicity that awakened Dies and his associates to a full realization of the potentialities of the political gold mine that they had struck. From Frey on it was catch as catch can with no holds barred. No patrioteer was too wacky to be taken seriously.

While Frey was the prototype of a long line of friendly witnesses, J. B. Matthews, a former Methodist missionary, teacher, pacifist, socialist and reformed Marxist, was the first of a series of Committee ideologists and policy-makers. Matthews not only built up the Committee's elaborate file system, but, according to the late Howard Rushmore, was the "brain-truster back of the Committee's relentless exposures." Matthews gave the Committee its basic orientation at a time in 1938 when it was floundering, and taught the Committee the neo-Archimedean precept that with enough names in a file, one could expose the world. Matthews unburdened himself for some ten hours in executive session as a witness before the Committee, and shortly thereafter became its research director. Matthews was not only a prodigious identifier, but an indefatigable bloodhound of concealed "fronts." In his own testimony he reeled off over 100 organizations which he claimed were linked in various hidden ways to Moscow. It was Matthews who was responsible for the charge that Shirley Temple was a Communist dupe.

Matthews left the Committee in 1944 to become the behind-the-scenes high priest of the exposure operation and the custodian of what is said to be the most Gargantuan file on subversive names and activities ever assembled. In 1948 Matthews was chief investigator for an antisubversive investigation of the University of Chicago, and in 1953 he served for two weeks as executive director of Senator McCarthy's antisubversive probe, but was forced to surrender that post as a result of nation-wide protests over an article in which he linked at least 7,000 Protestant clergy-

men with subversion. His prior testimony remained on the record, unquestioned by the Committee.

Meanwhile, the Committee was discovering other powerful reasons to remain in existence. An antisubversive probe had found broader objectives than the exposure of individuals or the probers' political self-aggrandizement. The ultimate aim was the exploitation of anti-Communism as an instrument of political leverage, a means of handicapping the achievement of legitimate national goals. The Dies Committee unceasingly attacked the New Deal by discrediting its programs as communistic and un-American. It undermined the implementation of these programs by exposing and calling for the dismissal of "subversive" New Dealers.

A powerful stimulus to the constant renewal of the Dies Committee's powers was the drive by a coalition of Southern Democrats and Northern Republicans to influence and change the political climate in which the New Deal had been flourishing. Congressmen who were opposed to the Roosevelt program saw in the Dies operation a means of discrediting and possibly slowing it down. Besides, the flamboyant Dies, with his swashbuckling methods and headline-hunting, gave a kind of balm to a small, frustrated House group which had seen leadership and prestige slip from its hands into those of the President. Dies's barbaric yawp might be more grating than Roosevelt's cultivated accent, but it was well suited to telling the world that there was still life in the old House.

By the end of 1944, however, the six-year Committee investigation began to run out of gas and to exhibit certain signs of motor fatigue. During the entire year it had heard only one witness and published a seven-page hearing record. The peripatetic Dies ceased roaming the countryside at the head of his Committee bloodhounds and remained in Washington, his full-throated cry reduced to a whisper. In May of that election year, Dies announced, to the surprise of his House colleagues, that he would not seek re-election. To many observers at the time it seemed that the Committee had come to the end of the road. It was widely assumed, in the press and in congressional circles, that the new Congress, which was to convene in January, would decline to renew the Committee's mandate.

The major reason for this was that the Committee had become so openly anti-Administration that the Democrats,

then in the majority, regarded it as a Republican political instrument. Members of the majority, with the exception of those Southerners from "safe" districts, feared that the Committee might in the future be used to try to unseat them. The fear was not groundless. The Committee had in the past done just that, not only in congressional contests, but also in state elections and in the presidential election. Democrats who supported the Roosevelt-Truman ticket in the 1944 election were angry at the Committee's release of a report on the National Citizen's Political Action Committee (NCPAC) shortly before the balloting began. It sought to create the impression that NCPAC, which had been set up to support the Roosevelt-Truman ticket by a group of labor leaders and liberals, was what the Committee was fond of calling a "Red front." The charge, made on the eve of the election, was a typical hit-and-run play, calculated to alienate support from the Democratic ticket. And although the play failed, supporters of the Administration in the House determined to kill off the Committee.

But what was past turned out to be merely prologue. The opposition to the Committee failed to reckon with the resourcefulness of Representative John Rankin, acknowledged by many to be one of the most skillful parliamentarians in the House, who made a stunning move. He proposed making the Committee a standing committee of the House, which would give it permanent status. In a blitz tactic, he submitted an amendment to the House rules which, as is customary on the opening day, were before the House. Usually, the Chairman of the Rules Committee, at that time Representative Adolph Sabath, Democrat of Illinois, brings in a resolution which, in effect, reconstitutes the Committee much along the lines of its predecessor. If members of the House desire changes in the rules, these changes are normally referred to the Rules Committee before being placed before the entire House. Rankin's amendment, however, short-circuited the procedure. The last thing he wanted was to have his proposal brought before the Rules Committee, where it would be subjected to lengthy hearings and calm deliberation. He knew it would ultimately be killed by the Rules Committee; so he used a parliamentary sneak play to force the House to act on his resolution.

The Rules Committee for the new Congress was not yet legally constituted. Therefore the Rankin amendment could

not be referred to it, but had to be considered by the House as a whole. And the House could not renew the powers of the Rules Committee, vital to the functioning of the House, without at the same time voting on the Rankin amendment, either accepting or defeating it before it could vote on the main resolution.

It was a master stroke. The House, preoccupied as it was on the opening day with the details of organizing itself, was not prepared to debate any important issues, and certainly not one that was thought to be dead. Rankin, through a combination of parliamentary sleight of hand and an appeal to the patriotism and security-consciousness of a war-time Congress, was able to rekindle the Committee's dying embers.

The success of Rankin's tactical maneuver, however, only gave him his audience, not the final prize. He still had to convince a majority of the House to vote for his amendment. Time for debate was very limited, but no one could fail to see that he was proposing a congressional monstrosity: a permanent committee with the essentially transitory function of investigation. Precedent, unbroken since the founding of the Republic, had established that investigating committees are not constituted as permanent bodies. Majority leader McCormack and other Congressmen were quite aware that this was indeed a fateful decision.

"Mark what we are doing," he warned. "This is not a question of establishing an investigating committee to investigate conditions that arise from time to time; it is a question of amending the rules of the House to provide for a permanent standing committee that does not consider legislation, but has one subject, one field, the field of investigating and making a report.

"There is," he continued, "a big difference between establishing a standing committee to investigate and establishing a special investigating committee for a particular Congress. If this amendment is adopted, as far as I know, it will be the first time in this body that a committee of this kind was ever established as a permanent standing committee."

Rankin quickly assured the House that the Committee would be no different from any other standing committee; it would have a legislative assignment to conduct hearings and report out bills. This was easy to say—especially for Rankin. But what was to be the area of its assignment?

Each standing committee—such as Ways and Means, Veterans' Affairs (over which Rankin himself presided), Foreign Affairs and Armed Services—operated within a clear and well-understood jurisdiction. So would the new standing committee, Rankin feebly asserted. As an investigating committee, it would continue to probe "un-American propaganda" and "propaganda activities." As a legislative committee, it would handle bills introduced in Congress on the subject of "un-American activities." But what did that mean? It could not refer to such matters as sedition, espionage and sabotage, for these already were within the jurisdiction of the Judiciary Committee.

Was the new Committee to carve a slice of jurisdiction from each of the standing committees so as to give it authority to handle bills involving, for example, un-American activities (whatever that meant), of farmers, veterans, trade unionists and soldiers, which would otherwise be processed by the Agriculture, Veterans' Affairs, Labor and Armed Services Committees? Was the Committee to invade the Judiciary Committee's established jurisdiction over bills involving criminal penalties when such penalties were proposed for "un-American activities?" What kind of legislation did "un-American" describe?

Again McCormack protested that the new Committee's jurisdiction was vague, if indeed it had jurisdiction over any legislation whatever.

"What type of legislation?" he asked the House. "There is a question of the jurisdiction of committees, of other permanent and standing committees. Certainly the existing rules provide the type of bills or resolutions that are referred to a standing committee. This resolution establishing a standing committee, assuming it can recommend legislation, does not set forth the type of legislation." Rankin never bothered to answer McCormack's question—and it has not been answered to this day.

Rankin did not waste time trying to sell his resolution on its legislative merits. He had a much more potent selling point: the importance of the continuing role of the Committee as a political security agency. The discontinuance of the Committee, he charged, was a subversive plot to get rid of its valuable collection of political dossiers and thus leave the Nation at the mercy of its enemies. He told the House that on more than 5,000 different occasions various intelligence agencies of the Government had consulted the

Committee's records "and have found in them a wealth of information that has gone far toward protecting the Nation from sabotage of all kinds." Discontinuing the Committee, Rankin insisted, would mean "that these valuable records that probably involve the fate of the Nation, the safety of the American people, would be dissipated. . . . I want to see that these papers are kept; that is the one thing I am striving for."

This charge was false, for steps had already been taken to preserve the Committee's records. But that made no difference to Rankin. He appealed to the House to foil the plot: "some of the men who went over to look over these papers were prepared to remove them and said they would like to throw them into the Potomac River."

On a voice vote, the proposed amendment was defeated, 134 to 146. Congressman Rankin then demanded a record of the vote and on a roll call the amendment passed. The victorious majority was the same coalition of Republicans and Southern Democrats which had prolonged the Dies Committee's life. Among those who voted against the Committee were Representative Francis Walter, now the Committee's chairman, and Representative Clyde Doyle of California, now an active member of the Committee. Thus was created the strangest parliamentary body of our time—a permanent legislative investigating committee without a legislative purpose, a standing committee with no meaningful legislative assignment.

The January 1945 vote did not, however, conclude debate in the House on the merits of the Committee's activities. During May 1946 sharp differences were aired in the course of debate on a motion appropriating \$75,000 for the work of the Committee in the ensuing year. The motion was vigorously opposed by a group of Northern Democrats, including the chairman of the Judiciary Committee, Representative Emanuel Celler, who complained about the Committee's tenderness toward American Fascists, and Representative Doyle, who said that the work of the Committee should be in the hands of the Federal Bureau of Investigation. He added that the Committee had ignored American principles of jurisprudence by acting as both judge and jury. Rankin counterattacked with a virulent assault on the opponents of the Committee and a threat that he would have the Committee go "after un-American elements in the House." Despite this, opponents of the

Committee mustered the highest vote against the Committee's appropriation since its inception, 81 nays. The Committee won handily, however, with 240 in favor of the appropriation.

In July, with only feeble resistance, the Committee was again made a permanent part of the House structure when the Legislative Organization Act was passed. Rankin's threat to investigate his fellow House members in a period of growing reaction undoubtedly helped to turn the tide. From that day onward the fear of the Red smear has served as HUAC's most potent weapon to hold its congressional critics in line.

Rankin's demagogic maneuvers not only rescued the Committee from oblivion, they obtained for it tremendous coercive powers. In conducting investigations the Committee (or its subcommittees) was authorized "to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary." This delegation of power was greater than that given any other committee of the House.

With all of its great power, the Committee was to have no legislative responsibilities. In theory an agent of Congress, its functions were in no way related to the duties of Congress. Its real purpose as an investigating committee was to smite the political infidel, not to report findings to Congress. The result could only be to emancipate the Committee from the supervision of the House, which exercises ultimate control over its committees through the lawmaking process. It could "investigate" whomever and whenever it wanted without concern about its legislative productivity. Congressman Dies had explained that this new power of exposure was more valuable than legislation because it avoided constitutional problems! There was no need to waste time in legislative hearings or in drafting reports on dull and technical bills; let the other standing committees, with a clearly defined jurisdiction, do this grubby work.

While other standing committees had to get authority from the House to conduct investigations with the power of subpoena, the Committee had *carte blanche*, a lifetime

pass on the exposure line. All that it needed from Congress was a yearly appropriation.

Nor did the language of its resolution serve as an internal restraint. The resolution authorizing conventional investigations is an important control on investigative abuse. It marks the outer limits of the investigation; the investigating committee can probe only those matters which it is authorized to investigate. The witness can be required to answer only those questions which are pertinent to the resolution. But the Committee was authorized to operate its exposure system under a resolution with no meaningful limitations on its scope. It was to be a permanent roving inquisition into unpopular speech and ideas.

As the Supreme Court ruled in the 1957 *Watkins* case, "it would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of the 'un-American'? What is that single, solitary 'principle of the form of government as guaranteed by our constitution'?" Like "un-American," the term "subversive" is merely an epithet.

The experience of the Nation with the functioning of the Dies Committee left no room for doubt that the jurisdiction of the Committee was as broad or as narrow as the prejudices of the Chairman.

In its 1939 report, the Committee emphasized that "Americanism recognizes the existence of a God. . . ." According to Committee standards, you are un-American if you believe in the following:

- (1) absolute social and racial equality;
- (2) the destruction of private property and the abolition of inheritance [apparently irrespective of the means employed or advocated];
- (3) the substitution of communal ownership of property for private ownership;
- (4) the belief that it is the "duty of government to support the people";
- (5) a system of political, economic or social regimentation based upon a planned economy;
- (6) collectivistic philosophy;
- (7) destruction of the American system of checks and balances with the three independent coordinate branches of government.

The *New York Times* summed it up when, in January

of 1945, it editorialized that the Dies Committee had "suffered from ambiguity of its birth. Just what is un-American activity? The law defines crimes against the state, and persons committing such crimes are admittedly un-American. But is it un-American to hold an unpopular opinion . . . or take an attitude that is also held or taken by Communists? . . . Had he [Dies] pushed his opinion to its logical end more than half the population of the United States might have been denounced . . . he used methods that old-fashioned persons regard as un-American—indictment by innuendo, refusal of defense testimony, prosecution and sometimes persecution in place of impartial investigation. . . ."

The permanent Committee has exploited the vagueness of the resolution in the same way as its predecessor, the temporary Committee. It has used its power to attack as un-American and subversive the Fund for the Republic, the National Council of Churches, the American Civil Liberties Union, and such individuals as Bishop Oxnam, Dr. Edward U. Condon, Dr. Robert Hutchins, the late Rabbis Stephen Wise and Judah Magnes, and scores of others. The present chairman has decreed that racism, anti-Semitic bombings and hate literature are not "subversive" and "un-American" within the meaning of the Committee's resolution. HUAC, he claims, has no jurisdiction in these areas. Who can say him nay?

Thus, the permanent Committee was born, fully equipped with all of the basic components of the exposure system: (1) it was functionally independent of the body which created it, because (2) it lacked legislative responsibilities; (3) its investigative power was shaped to inquisitorial ends and conferred upon it by (4) a charter to probe speech and ideas so broad and vague as to impose no meaningful restraints upon it.

3 ANATOMY OF A HATE GROUP

In the fall of 1960 a fire-bomb was thrown against the front of the office of the Citizens' Committee to Protect American Freedom, a Los Angeles group formed to oppose

HUAC. The bomb shattered the door and started a fire. The bombing came shortly after a huge swastika was smeared on the door of the Citizens' Committee offices. The mailbox was shot off. An attempt was made to set fire to the home of Frank Wilkinson, the group's secretary, a leading figure in the movement to abolish HUAC (now serving a one-year jail term for contempt of the Committee). Wilkinson's wife received anonymous telephone calls threatening his life. Wilkinson's life insurance was canceled. Los Angeles students who joined him in a TV program in opposition to HUAC barely escaped a beating by thugs after they left the studio. In the spring of 1961 the New York office of a HUAC abolition group was broken into and vandalized.

On January 2, 1961, a group of members of the American Nazi Party descended on Washington to picket the White House in support of HUAC. On the same day a screaming, threatening mob of Fascist-oriented refugees besieged a meeting in Washington's All Souls Unitarian Church held in support of a HUAC-abolition campaign. The atmosphere was electric with imminent violence; bloodshed was averted by prompt action of the police, who formed a protective cordon around the meeting. When an outbreak seemed inevitable, the police requested that the meeting be terminated as quickly as possible and supplied a motorcycle escort to protect the participants on their way out of the city. The picket signs of these fanatics were stored in Chairman Walter's office.

Two weeks later an inflamed champion of the Committee burst into the office of University of California Professor Thomas F. Parkinson, poet, Guggenheim fellow, author and teacher. The intruder carried a Bible in one hand and a double-barreled shotgun in the other. He raised the gun and fired. The shots ripped into the back of a graduate student, Stephen Mann Thomas, and brought instant death. Professor Parkinson suffered a shattered jaw which required skin grafting and plastic surgery.

The killer, John Harrison Farmer, was apprehended the next day. In his briefcase was this note: "Death to all Communists. Death to all fellow travellers. Death to every friend of Communism. Death in the name of God to all the evil hosts of Communism and its followers." Farmer had also marked for death Assistant Professor Richard T.

Drinnon. Farmer did not know these men. Both of them had opposed HUAC and were members of SLATE, a campus anti-HUAC organization. He had read about their activity and was particularly exercised by an article attacking Parkinson for his criticism of the Committee.

When a Congressman votes against an appropriation measure for internal improvement, he may get disapproving mail. But a vote in the House against HUAC results in a shower of abuse, obscenity and hate. Many of these letters are unprintable. Here are a few mild samples of congressional mail after the 1961 vote on HUAC's appropriation:

Please, get yourself a one way ticket to Red Nazi Russia.

Drop dead. This would be the height of responsibility to this wonderful Christian America.

You are sharing the objectives of the insidious and diabolical Communist Conspiracy. Such flirtations with treason are gaining for you and the despicable notoriety of being at the very least an unbalanced, soft headed, bleeding heart. We, who now reverently treasure the memory of our Nathan Hales, have a venomous contempt for you Benedict Arnold types.

This is the harvest of hate, and it dramatizes the role of the Committee in the underworld of the professional hate groups.

Hate groups are established fixtures in American public life. Their pathology has been frequently described by social scientists as an expression of prejudice rooted in hate and defeat. They emerge in response to a need for a scapegoat, an outlet for the aggression spawned by frustration. Their world is one of black and white, of sweeping, unalterable generalizations. To the bigot—organized or unorganized—the country is on the brink of disaster. He sees and invents evidences of imminent doom everywhere. He is obsessed by the conviction that there is one evil which explains all the ills of his society and of the world. Salvation can come only by destroying, by liquidating or punishing his "pet hate"—be it Catholic, Negro, Jew or foreign-born.

The world of the hate group is structured on myth,

stereotype and falsehood. It protects itself from the inroads of reason with an enormous arsenal of polemic and rhetorical weapons. The spokesman of the hate group masterfully echoes all the paranoiac fears of his followers and makes every challenge a confirmation of the power of the enemy. He slanders, lies, exaggerates, evades and forges to keep alive the particular terror on which his particular group feeds. The successful merchant of hate develops a special fear-breeding vocabulary which oozes contempt and aggression. He is a master of propaganda—the more lurid the better.

The bigot is drawn to the hate group out of an unrestrainable need for action. He is not sustained by mere belief or conviction. He has a hunger for direct action, for violence, born of a passionate resentment and anger. Means, not ends, are all-important to him. All our hate groups are unified by a hazy nostalgia for a pure America, peopled by 100% native-born, white Christian Americans and cleansed of the evils which, to them, defile it. But they have no affirmative program beyond the goal of destroying the objects of their hate. They are exclusively anti-Negro, anti-Catholic, anti-labor, anti-Semitic, anti-foreign-born.

In addition to their special obsessions, the hate groups share an enthusiasm for the political and social canons of the extreme right. Thus they believe that America is not a democracy but a republic, that the income tax should be abolished, foreign aid ended, States' rights restored and the powers of the Supreme Court restricted. Inevitably, hate groups have an affinity for one another, based on a consciousness of kind, common emotional needs and interlocking prejudices. The White Citizens Councils are anti-Negro but they are also anti-Catholic and anti-Semitic. The American Council of Christian Churches is anti-liberal Protestant, but it is also anti-Catholic and anti-Semitic. The Circuit Riders are anti-liberal Protestant but also anti-Semitic, anti-Negro and anti-labor.

Each hate group is thus naturally allied to all the others. All of them have a common dedication which unites them in a special way; they are fanatical crusaders for HUAC.

For the 23 years of its existence HUAC has had close and continuous ties with the hate underworld and the more

"respectable" pressure groups which work with it. The Dies Committee's first investigator was Edward F. Sullivan, a publicity specialist for native Fascist groups and a former professional labor spy. Two years before his appointment he was the principal speaker at an Asheville, North Carolina, convention of native Fascists. (Sullivan's speech was described in the local press as "what Hitler would have said had he been speaking.") He also was a prominent speaker at Nazi Bund and Coughlinite gatherings. Another Committee collaborator was Harry Jung, Chicago propagandist of anti-Semitism. J. B. Matthews, the scholar of the patriot-hate underworld, and Walter S. Steele, one of its principal spokesmen, were pillars of the Dies Committee.

One of Dies's strongest admirers and collaborators was Joseph P. Kamp, a professional hate merchant who was editor and publisher of a Fascist magazine, *The Awakener*. Kamp's Constitutional Educational League had a working relationship with the Committee. Kamp had access to the Committee's files, in return for which he supplied the Committee with thousands of names. The Educational League gave Dies an "Americanism" award; it was subsequently mentioned in a Federal conspiracy indictment.*

Dies enjoyed a similar relationship with Father Charles E. Coughlin, Fascist priest, leader of the Christian Front. Through his radio program and his publication, *Social Justice*, Father Coughlin disseminated quantities of Nazi propaganda. He too provided Dies with lists of names and propaganda material. In 1939 he issued these instructions to his followers:

In your appreciation of the work accomplished by Dies employ some of your leisure moments to write him a letter of encouragement. In fact, a million letters brought to his desk would be an answer to those who are bent on destroying him and the legislative body he represents.

Paid Nazi agents were enthusiastic about HUAC and its work. A banquet for Dies was given by Fascist propa-

* When HUAC's continuance was threatened, Kamp wrote in *The Awakener*, "The League began a nationwide drive on its behalf, secured over 4 million signatures to petitions and deluged Congress with an avalanche of letters from aroused patriots."

gandist Merwin K. Hart in December 1939 (Mr. Hart, incidentally, was a contributor to Chairman Walter's most recent congressional campaign. His National Economic Council was charged a few years ago by the Buchanan Committee with "ill-concealed anti-Semitism.") Among those who did honor to Dies were Bundist James Wheeler Hill, and German-American Bund leader, Fritz Kuhn. When asked what he thought of the Committee, Kuhn replied, "I am in favor of it being appointed again and I want them to get more money." Convicted Nazi agent George Sylvester Viereck said, "I have the highest respect for the Committee and sympathize with its program." The Federal Communications Commission reported that "Representative Dies received as many favorable references in Axis propaganda in this country as any living American public figure." This was during the war.

Dies shared speaking platforms with Fascist James True, inventor of a special blackjack called the "kike-killer," and Reverend Edward Lodge Curran, Father Coughlin's lieutenant. Under Dies, the Committee fed material and articles by its members to Reverend Gerald B. Winrod's *Defender* and Reverend Gerald L. K. Smith's *Cross and the Flag*, both anti-Semitic hate sheets. Smith and Winrod showered Dies with praise—as did the entire hate underworld.

For example, William Dudley Pelley, the head of the pro-Nazi Silver Shirts, said, "I formed the Silver Legion in 1933 . . . to propagandize exactly the same principles." The Ku Klux Klan's Imperial Wizard, James Colescott, asserted, "[The Committee's] program so closely parallels the program of the Klan that there's no distinguishable difference between them." In 1942, Imperial Wizard Colescott arranged a private interview with Dies which resulted in his urging Klansmen everywhere "to support the work of the Dies Committee." In the Klan's publication, *The Fiery Cross*, for January 1942, he praised the Committee's "great service to our country."

It is hardly surprising that Representative Samuel Dickstein told the House in 1941: "110 Fascist organizations in the United States have had, and have now, the key to the back door of the Un-American Activities Committee."

Dies was under constant attack by liberal forces for his failure to investigate Fascist organizations. But Dies used

his powers to shield these groups and made token investigations only to preserve the appearance of impartiality.*

These critics failed to appreciate the underlying realities of the Dies Committee's relationship to the hate underworld. They had become partners in a joint enterprise. The hate groups gave HUAC names, propaganda and political support. HUAC used the power of the government to strike at the hatists' targets. Then this material, fed into the Committee's files and burnished with the prestige of officialdom, was used by the underworld in its press. As David Wesley has summed it up:

What these long years did, was to create a solid establishment: an acre of files, a thoroughly indoctrinated staff, a firm tradition, a network of contacts and sources of information, a conditioned pattern of behavior, a methodology, all intricately interwoven into the whole fabric of the underworld of the peddlers of hate, with its interlocking directorship and its broad, cross-pollinating system of propaganda organs.

After HUAC was reconstituted in 1945, it continued its collaboration with the hate groups. The Committee was dominated by Congressman John Rankin† of Mississippi, one of the most virulent anti-Semites ever to sit in Congress. Rankin had been honored by the Nazis and did not hesitate to attack Jews and Negroes as inferior peoples whenever he found an opportunity. On November 18, 1943, he announced that I. F. Stone, a Washington liberal journalist who had attacked him for his anti-Semitism, was

* In June 1947, HUAC, in response to liberal pressure, set up a subcommittee on Fascism, headed by Representative John McDowell, himself an anti-Semite, of Pennsylvania. The subcommittee was promptly challenged by Representative Sabath to take action by investigating a group of prominent Fascist organizations. The subcommittee met for ten minutes and decided there was nothing to investigate.

Chairman Velde, in 1945, in a move to win support for HUAC, then under severe criticism for its attack on the clergy, carefully selected for investigation the two smallest hate outfits he could find: The National Renaissance Party and the magazine *Common Sense*, both of whose supporters could be housed in the same telephone booth. No witnesses were called, but a report was issued.

† The nominal Chairman was Representative Edward J. Hart of New Jersey, who resigned in July 1945 and was succeeded by Representative John J. Wood of Georgia.

really named Isidore Feinstein.* When a group of women called on him to protest his bill denying the right of franchise to all American soldiers, Mr. Rankin said of these ladies: "If I am any judge, they are Communists, pure and simple, probably more simple than pure. They looked like foreigners to me. I never saw such a wilderness of noses in my life." Speaking on the floor of the House on February 21, 1944, he referred to Walter Winchell as "the communistic little kike."

In the first major debate on the new HUAC in the House, members of Congress complained that HUAC was doing business at the same old stand. Representative Hook of Michigan described the Committee as a "sounding board for the un-American Fascist groups," and he informed the House that "Gerald L. K. Smith [the notorious anti-Semite] is not only the Committee's adviser on un-Americanism, he is also the confidante of the Committee's plans." Representative Savage of Washington complained: "It seems to me all Gerald L. K. Smith has to do is yell 'sic 'em' and the Committee's counsel takes after whatever party Mr. Smith is peeved at." Representative O'Toole of New York said: "The Committee has permitted itself to become a forum for the dissemination of racial and religious theories that are not part of our democracy."

The Wood-Rankin Committee's hate-group connections sparked a number of investigations in the forties. One of the first was the attempt to purge the radio of a group of liberal commentators who were critical of the hate groups. In October 1945 the Committee obtained 78 scripts of radio commentators. In December the Committee introduced a bill which would "by proper and frequent announcements clearly separate and distinguish programs consisting of news items from those programs based upon, or consisting of, personal opinion or propaganda." On February 2, 1946, Rankin said, "I want to tell you now, some of this stuff that is going over the air should be stopped. Of all the dirt and filth I ever heard, those filthy attacks on me and the Committee on Un-American Activities by Walter Winchell are the worst."

The Committee then turned its investigative talents to proving that the United States is not a democracy—the favorite thesis of the lunatic fringe. Early in 1946 liberal

* Interestingly enough, Chairman Walter told the House the same thing when Stone criticized the Committee.

organizations which had concerned themselves with "democracy" were reminded in letters from Committee Counsel Adamson that "this country was not organized as a democracy." Adamson wrote as follows to columnist Drew Pearson: "Several people have called to my attention the closing line of your Sunday night broadcast, 'Make democracy work.' I should like very much to have your definition of the word 'democracy' as you are using it over the radio. If you will be good enough to supply this information, I will give the matter further consideration to determine whether it should be called to the attention of the members of the committee for such action as they deem proper."

The Hollywood probe of 1947 also had strong hatist links. The files on Hollywood had been developed by Fascist publicist Edward F. Sullivan, and the pressure for the investigation had come from an assortment of native Fascists. Gerald L. K. Smith finally turned the trick. In 1948 he wrote in *The Cross and the Flag*, "We do take credit, we Christian Nationalists, for the recent investigation into Hollywood."

In 1949 HUAC made a sally into the field of education. It asked more than 100 schools and colleges to submit textbooks for a check on subversive content. This probe, too, was inspired by a lunatic-fringe outfit, the National Council for American Education, which was run by the notorious anti-Semite Allen A. Zoll. It boasted on its Board of Governors the Coughlinite priest Edward Lodge Curran and a Committee member, Representative (late Senator) Karl Mundt.

With the emergence of McCarthyism, HUAC was no longer limited to old-fashioned hatist and crackpot sects for investigative suggestions and support.* Hate became everybody's business. The function of the private organization in HUAC's operation continued to be important. It's principal role was to act as HUAC's agent and collaborator in the hearings held to expose HUAC's targets. The old-line professional hate groups together with patriotic societies, reactionary fraternal orders, individual bigots and patrioteers (the Network),† undertook the

* The most striking of HUAC's present relationships to the classic hate groups are in the field of religion. These are discussed in a later chapter.

† Throughout this book I use the term "the Network" as a shorthand description of a large group of organizations and

punishment of HUAC's victims, a perfect outlet for the aggressive action the hate group craves. The primary weapons used against HUAC's victims are denunciation and discharge pressures. The hatist adds to these his own special weapons: the anonymous telephone call, the "crank" letter, boycott, vandalism and physical violence. During the fifties, too, HUAC's dossiers and files—the house that hate groups built—multiplied fantastically. The two-way flow—of names into the Committee and of "official" smears back to their hatist source—became a vast standardized operation.* In addition, these files were being stocked with names and propaganda from new sources: the FBI files and ex-Communists. Every hate group was able to become a little do-it-yourself HUAC. These groups, too, emerged as the major consumers and distributors of HUAC propaganda, which they disseminated in millions of copies. It costs them nothing and gives the cachet of official support to their own programs. HUAC, on its part, is a national clearinghouse for the merchandise of hate.

The Committee is not merely functionally linked to hate groups. Its own operations reflect the hate-group syndrome. It is itself a hate group. HUAC's extremism, its exaggerations, deceptions, and distortions, its willful oversimplification of the complex, its division of the world into black and white, its response to all forms of criticism with the Red smear, its overheated, fear-mongering rhetoric, and its rivers of antidemocratic propaganda, are the techniques and practices which have been made familiar to us by the operations of the hate groups.

HUAC hates the "subversive" in much the same way that the anti-Semite hates the Jew, the racist hates the Negro, the fundamentalist hates the Catholic, the patrioteer hates the alien. But unlike its frequently frustrated non-

movements which cooperate with HUAC in a variety of ways.

HUAC's network covers the ultra-rightist ("the radical right") segments of the political spectrum, the patriotic and nationalist organizations and their "Americanism" commissions, the crackpot hate sects, the irredentist refugee formations, certain religious movements and groupings, and specialized blacklisting services and organizations.

These organizations are HUAC's "public" in the theatrical sense—its wildly approving audience. They are also HUAC's political base and its collaborators in the exposure process.

* See Chapter 14, "Big Brother Is Watching You."

governmental counterparts, HUAC can do something about its hate. It can give direct expression to its hostility by punishing its object. What tells us most clearly that HUAC is a hate group is the exposure system. Exposure speaks the language of the hate group; it is hate in action.

The personalities of many of HUAC's leaders and staff members are figures in a gallery of hate.* Let us begin with J. Parnell Thomas.

Thomas, born John Parnell Feeney, became a member of the Dies Committee when it was formed, and its Chairman in 1947. An insurance broker and a conservative Republican, he brought to his task a savagery and arrogance rarely equaled in the annals of the Committee. A man of vast prejudices, with a truculence to match, and not overly bright, he had apparently convinced himself that stern measures—even though legally and morally questionable—were necessary to save the country from immediate overthrow by subversive forces.

As Professor Carr has written, "Not the least of Thomas' faults was his complete lack of dignity as the Committee's presiding officer. Seldom has an important congressional agency been so handicapped by the vulgarity of its leader Again and again Thomas conducted Committee hearings as though he were a cheap comedian or a participant in a street-corner political harangue."

He knew little or nothing about the technical content of the hearings he staged. All this was the work of the Committee's chief investigator, Robert Stripling, who, together with a junta of informers and favorite newsmen, ran the Committee. Stripling was a major HUAC policy-maker. He left HUAC and today is an agent of "Freedom in Action," a group dedicated to "vigilant constitutional patriotism."

But Thomas knew how to bully a witness, ridicule his arguments and impugn his motives. He knew the witness was guilty before he ever reached the stand. He was impatient to shower him with abuse.

He dismissed the constitutional arguments of the Hollywood unfriendly witnesses as "a concerted effort on the part of the Communists, their fellow-travellers, their dupes,

* In an over-all evaluation of HUAC's staff, Professor Robert K. Carr wrote in 1950, "The Un-American Activities Committee has not been famed among congressional committees for the high quality of its membership . . . in the main, respected and intelligent representatives have not sought service on this committee."

and paid apologists to create a lot of fog about constitutional rights, the First Amendment and so forth." Thomas's attack on lawyers for witnesses are legendary. During the course of the Hollywood hearings he called Robert W. Kenny, a lawyer, to the stand, and asked him what he was advising his clients. He proceeded to read to Kenny the Federal Conspiracy Statute, and charged that Kenny, in advising his clients, had conspired with them to commit a criminal offense—deliberate refusal to answer questions.

Thomas conceived of HUAC as a means of smearing the Roosevelt Administration and gloated over how many New Dealers the Committee had exposed. In a speech in June 1940 he said, "The Fifth Column in the United States has flourished under the New Deal rule. In some respects it is synonymous to the New Deal so the surest way to remove the Fifth Column from our shores is to remove the New Deal from the seat of government."

All of HUAC's activities under his leadership were poisoned by a blatant partisanship. The Hollywood hearings in 1947 were launched with noisy fanfare that the evidence would show that the New Deal had reduced the film industry to turning out pro-Soviet propaganda. No evidence at all was introduced in support of this thesis. Yet Thomas falsely stated in a subcommittee report that "some of the most flagrant Communist propaganda films were produced as a result of White House pressure."

One of Thomas's most shameful performances was the Condon case. A HUAC subcommittee headed by Thomas issued a report in March 1948 charging that Dr. Edward U. Condon, director of the National Bureau of Standards, "is one of the weakest links in our atomic security." The report was a mass of misstatements, distortions and omissions. The most shocking of the latter involved a letter which J. Edgar Hoover had written in May 1947 to Secretary of Commerce W. Averell Harriman. Thomas simply excised from the letter a key exculpatory sentence. He later said that this was "inadvertent." There was also evidence for the view that Thomas "improved" on the original letter through language insertions. Dr. Condon had demanded a hearing before the issuance of the report, and pressed for one after it appeared. But he repeated his requests in vain. The attack on Dr. Condon was a clumsy attempt by Thomas to attack the Roosevelt Administration by im-

pugning the loyalty of an important employee—a practice in which Dies had specialized. This report was timed to win support for the largest appropriation the Committee had ever requested.

In November 1948, Thomas was indicted on charges of conspiracy to defraud the Government and filing false claims against it. He had put two women on his payroll, although they were not bona fide employees, and then required them to turn over their paychecks to him. He also pocketed the salary of a phantom clerk-typist who was assigned to HUAC's staff but did no work for it. Ironically enough, he refused on self-incriminating grounds to appear before the grand jury. He was convicted in December 1949 and served nine months at Danbury, a Federal penitentiary where Ring Lardner, Jr., one of the "Hollywood Ten" who had been convicted for contempt of his Committee, was also incarcerated.

Thomas was succeeded as Chairman of HUAC by John S. Wood of Georgia, who served for four years. He had also put in a two-year stint in 1945-46, but he was actually Rankin's puppet. A Georgia White Supremacist, he made himself famous by the observation that the activities of the Ku Klux Klan were "an old American custom." Wood was violently anti-labor, and under his aegis HUAC conducted repeated forays against the labor movement.

In 1952, Wood's Committee returned to the Condon case, and, to the surprise of hardly anyone, concluded that "because of [Dr. Condon's] propensity for associating with persons disloyal or of questionable loyalty and his contempt for necessary security regulations, that he is not qualified for acceptability to any security position." Thus was the departed Thomas vindicated.

Under Wood's leadership, HUAC began the practice of organizing hearings for the specific purpose of publicizing information in FBI files. It extended the hospitality of its witness stand to the perjurious informer Harvey Matusow and solemnly reported that "Matusow told of the use by some members of the Communist Party of narcotics, but that he possessed no knowledge as to whether their use was encouraged by the Communist Party."

Under Wood, the Committee also converted its annual report into a showcase for the names which it had un-

earthed during the year's investigations—a great convenience for the blacklisting fraternity.

After the Republicans took over the 83rd Congress in 1953, Representative Harold Velde of Illinois assumed HUAC's helm. His prior FBI service had attracted him to HUAC, and he became one of its members when he was elected in 1948.

Unlike Wood, Velde conducted the Committee in the wide-open, free-wheeling style, reminiscent of Dies. He was an indefatigable headline-hunter and made windy speeches on the Red menace at the drop of a hat.

In March 1950, he astonished most Americans when, in a speech to the House, he opposed a measure for a mobile library service in rural areas because "Educating Americans through the means of the library service could bring about a change of their political attitude quicker than any other method. The basis of Communism and socialistic influence is education of the people. If we are opposed to socialism in America as we all say we are, we must all conscientiously oppose this bill." Presumably acting on these views, Velde, in 1952, launched a probe of the Nation's most respected universities.

One of Velde's characteristic "security" brainstorms was a proposal that the Library of Congress compile a list of subversive material in the Library's millions of volumes. In another speech in 1950 on Communists in Government, he derided Attorney General McGrath's advice that "all of you may rest secure—you don't have to look under your beds every night." Velde replied, "I, too, will continue to look under my bed every night." He harangued the House endlessly about the Red menace. On one occasion he advised his colleagues, "The influence of Eleanor Roosevelt in the promotion of Communism, of immorality and indecency among so-called minority groups in Washington, should be explored."

He attacked Henry Wallace and Adlai Stevenson as Red-tainted. He agreed that the U.N. film "Of Human Rights" was subversive propaganda and that, while "we all hate to be squealers and stool pigeons," informing was necessary to HUAC's functioning.

Velde shocked the country when, in connection with the Harry Dexter White affair, he subpoenaed ex-President

Truman, Supreme Court Justice Tom Clark and ex-Secretary of State Byrnes. None complied. President Truman wrote, "In spite of a personal willingness to cooperate with your Committee, I feel constrained by my duty to the people of the United States to decline to comply with the subpoena." He explained that such Committee action threatened the principle of separation of powers.

In justification of the Truman attack Velde wrote: "Harry S. Truman has a long history of disrespect for congressional investigating committees' exposures of subversives in Government . . . on September 22, 1948, President Truman made the vicious statement 'the Committee is more un-American than the activities it is investigating.' Had President Truman shown more regard for the truth developed by the Committee, the issues of today would not exist."

Velde's probe of the clergy in 1953, climaxed by a gavel-wielding grilling of Bishop Oxnham, resulted in a torrent of criticism. Velde concealed his own ties with reactionary Methodist groups such as the Circuit Riders—the hate group primarily responsible for the probe.

Velde-conducted investigations had a peculiarly oppressive quality. He didn't bluster, shout or bully, as did Thomas and Rankin. He simply told the witness what a deep-dyed subversive he was. Sometimes he amplified—that he had met types like the witness as an FBI agent. Velde was the House's answer to Senator McCarthy.

It must not be assumed that only HUAC's Chairman can tell us about how it works and thinks. One of the most vocal of HUAC's spokesmen is Republican Gordon Scherer of Cincinnati. A former assistant prosecuting attorney and municipal official, he was assigned to HUAC when he came to Congress in 1953, and is now its ranking Republican member.

With Scherer, it was a case of love at first sight. His very first speech as a Congressman was to an American Legion post in which he attacked leading members of the clergy and quoted from their comments on HUAC witch hunts. Scherer said that one could understand these criticisms if they came from the pen of the editor of the *Daily Worker*, but that they were not "in keeping with the basic precepts of Christian brotherhood as I was taught in the church." He continued, "I would not want you to believe that these violent attacks come only from members of the cloth.

Prominent educators and intellectuals have made similar abusive and unwarranted attacks."

Scherer has the Committee assignment of defending HUAC from attack. He is the keeper of its flame. Since the Committee is under constant attack, his talents are in great demand. His role has made him an indefatigable practitioner of the Red smear. Any attack on HUAC is automatically denounced as a Red plot.

All hate groups fantastically exaggerate the power of their enemies and find everywhere frightening new proofs of their evil influence. This formula is basic in HUAC's operations. HUAC has a great advantage over other hate groups in its application of this formula, for HUAC's enemy is undefined—a "subversive" is whoever HUAC says is a subversive. The web of subversion—the "conspiracy"—constantly expands to meet HUAC's needs. When HUAC itself comes under attack, this technique is exploited to heroic proportions. Since Communists oppose HUAC, all criticism of HUAC becomes proof that (a) the critic is a Communist or a supporter, a dupe, an ally, etc., and (b) the "conspiracy" is more powerful than ever for it includes not only the "hardcore" Communists but the supporters, dupes, allies, etc. Thus criticism of HUAC confirms the desperate need to continue HUAC, for it alone can save us from this gigantic conspiratorial octopus. HUAC naturally tries to bring its targets as close as possible to the core of evil—actual Party membership. To achieve this it has developed a special logic of its own based on crudely strained inferences, falsified proofs, and emotionally defined terms. The problem of assimilating the non-Communist to the Communist is solved in a way which has become HUAC's trademark: The use of guilt by parallelism, mutual object and association. (An amusing current example is Chairman Walter's charge that a newspaper story criticizing HUAC members' extravagance and abuse of expense accounts "directly played into Communist hands.") As HUAC applies and expands this formula it becomes clear that it regards *all* of its opponents as subversive.

This "Red Magic"—the latter-day counterpart of the black magic used in a primitive society for inflicting injury on an enemy—is Scherer's special province. The hallmark of the art of Red magic is a ritualistic use of the phrase, "It is significant that . . ." or a variant thereof. Without it

Scherer would be speechless. No matter what his opponent says, Scherer inevitably finds, "It is significant that" Reds say the very same thing.

Since Scherer is no mental giant, he uses the formula to the point of ludicrousness. In December 1959, he attacked Senator Young of Ohio for accepting an invitation to speak at an Emergency Civil Liberties Committee (ECLC) dinner. Young tartly replied, "When I was on the Anzio beachheads, he was safety director of Cincinnati." Scherer triumphantly claimed in a press release that it was "significant" that Young had "used almost the identical language that has been used by the Emergency Civil Liberties Committee, the Communist *Daily Worker* and the Communists who have appeared before the Committee." Scherer, of course, cited no such "almost identical language."

When a statement of Congressman Roosevelt, in a speech on the House floor, charged that "The Committee is closer to being dangerous to America in its conception than most of what it investigates," Scherer made this response—only a slight variant of the standard formula:

This is a paraphrase of a remark I have heard time and time again since serving on the Committee. It has come repeatedly from sullen, defiant and contemptuous members of the Communist Party who have been subpoenaed to testify before our Committee as witnesses. I have read the remark many times before in Communist and pro-Communist publications but I never dreamed I would see the day when a member of this House would repeat it on the floor. [He forgets Harry S. Truman—although it is possible that in Mr. Scherer's lexicon, Harry Truman is a Communist.] It is the use of the phrase and some other phrases and appellations in the speech of the gentleman from California that makes me wonder if he actually wrote the particular remarks.

Scherer continued in this vein for about 30 columns in the *Congressional Record*, full of ominously "significant," "even more significant," and "most significant," parallels.

Congressman Walter, too, made a statement that "It is significant that, . . ." Roosevelt's speech came after he had introduced a bill directed at subversive maritime workers.

But he did not explain why it was significant. Lenin's writings are often found to contain statements which significantly parallel or explain something said or done by HUAC's critics. Walter used this gambit to attack, on the House floor, hundreds of signers of an advertisement urging HUAC's abolition.

Scherer's zeal as HUAC's ideological sergeant-at-arms is so great that he frequently interrupts the hearings to assail the critics of the Committee. At the beginning of the Committee's 1959 hearings in Puerto Rico, Scherer vilified Clark Foreman, ECLC director, an opponent of HUAC, who was in the audience. He threatened to subpoena Foreman, charging that Foreman had organized the opposition to the Committee and coached local lawyers on ways to resist it. This outraged the lawyers (appointed to represent the witnesses by the Puerto Rico Bar Association). Judge Abraham Diaz, a distinguished Puerto Rican advocate, retorted, "That's a lie." Scherer subsequently discounted his protest as coming from a "lawyer for an identified Communist."

Scherer is thoroughly at home with the distortion and deception required by the practice of Red magic. In 1957 he charged that Red lawyers had helped to organize a demonstration of hostility to the Committee in Newark. The proof? Pickets carried signs which had been prepared by "experts." He assured his audience that some of these experts were members of the bar. The proof? "Ninety percent of the people in the picket line . . . could not understand the impact of the signs they were carrying." Scherer did not say how he reached this statistically precise conclusion. Indeed, said Scherer, crowning the recital of the Committee's sufferings, "One of the Communist lawyers who had almost driven Judge Medina to distraction" actually represented a witness at the Newark hearings.

Scherer tirelessly screams that the end is near; we have managed to survive only because he and a few other long-suffering super-patriots on HUAC have kept their fingers in the dike. But how much longer can they hold out against "the conspiracy" which hourly gains new adherents? There are some who assert that Scherer does not consciously exaggerate or distort. His quivering self-righteousness simply carries him away.

Scherer has turned up as a member of the Committee of Sponsors of the John Birch Society, a secret pressure group

with hatist overtones fully equipped with the regular complement of ultrarightist objectives, plus some special ones of its own. Scherer should be happy as a lark in this group, whose founder, Robert Welch, is convinced that ex-President Eisenhower and Milton Eisenhower, John Foster Dulles and Allen Dulles, are all Reds. Welch has also accused 7,000 of the Nation's Protestant ministers of Communism or of Communist sympathy. Here, indeed, is God's plenty for such as Scherer, who can find no rest from his nightmares of "the conspiracy."

The John Birch Society Committee has also opened its welcoming arms to another HUAC alumnus, ex-Congressman Kit Clardy. He, too, should find its objectives and methods congenial. Clardy was a perennial rabble-rouser who idolized Senator McCarthy. He was of the no-nonsense, "let-me-at-'em" school of Red hunters.

When a lawyer once complained to Clardy that HUAC had been rough on his clients, Clardy replied:

Pretty rough on those Communists? If we had been really rough on them we would have taken them apart. As it was, we were treated in a way that I think exhibited on their part the utmost contempt for the Congress and their government, and they left the stand and lied like horsethieves and we called them back and they took the fifth amendment again. If I had my way and we had any power, they would really have been punished by putting them in the dungeon the first time. . . . A few years ago this committee had, and may have at the moment the right to put witnesses down in the dungeon underneath the Capitol if they refused to cooperate with the committee. Some day perhaps I will test that out.

As far as the record shows, Clardy never did realize his dream of putting witnesses in "the dungeon." But he did conduct hearings in May 1954 in his home district, Flint, Michigan, in which he not only abused the witnesses but incited violence against them. He recalled that during his college days in 1937, his college mates had thrown UAW-CIO organizers into the Red Cedar River. He said: "I was proud of those kids. They should also have tossed into the river the then Governor, the late Frank Murphy." Clardy's conduct of the hearing contributed to the lynch spirit which swept the city. A number of workers were dragged

from their jobs in automobile plants by lynch gangs and beaten; hostile witnesses were evicted from their homes; their families had to go into hiding to escape the fury of mob hoodlums; the office of the lawyer for the witnesses was smeared with red paint.

The following letter was written in August 1954, by a victim of the hearings and addressed to civic leaders of Flint, Michigan:

Dear Sir:

I am earnestly seeking your help to stop the violence against me that was instigated by Representative Clardy's hearings.

I have been a responsible citizen for forty-three years. I have lived in this community since coming here in 1927. I have an unchallenged record as an employee at Chevrolet Manufacturing Company for twenty years. I served conscientiously as a soldier in World War II, and was decorated with the Bronze Star Medal. During three and one-half years of military service I fought in North Africa, Italy, Corsica, France and Germany. I am married and the father of two daughters.

Since the hearings I have worked only two weeks. I was severely beaten on returning to work and was placed under a doctor's care for thirty days with broken ribs and contusions. Again last Wednesday I was viciously beaten by a small but well organized gang of hoodlums at the factory gates.

I have had police protection for two nights on leaving work but expect there to be more violence both entering and leaving the plant, unless a real effort is made to obtain adequate police protection and to establish order on the streets of Flint.

I would appreciate anything you can do in my behalf,

Sincerely yours,

When Clardy heard that workers had been physically dragged from their jobs by a goon squad, he crowed, "This is the best kind of reaction there could have been to our hearings."

Francis Eugene Walter, Chairman of HUAC since 1955, is, with the exception of Martin Dies, the most important

single figure in HUAC's history. A Democrat and a banker, he has served in the House since 1932 and on the Committee since 1949. Walter is proud of the fact that he opposed making HUAC a permanent committee in 1945. He suggested in 1954 that HUAC be made part of the House Judiciary Committee. He explained to Douglass Cater of the *Reporter Magazine* in the spring of 1955 that the reason for this suggestion was HUAC's lack of legislative purpose, "since the Judiciary Committee, not the Un-American Activities Committee, bears primary responsibility for drafting legislation dealing with subversives."

Walter is a political conservative (he was once almost a New Dealer and Fair Dealer), but unlike his predecessors on the Committee, he is no reactionary. His position on most issues is close to that of Speaker Rayburn, who is Walter's political mentor. Walter is Rayburn's favorite Northern Democrat, and the first Northern Democrat to guide HUAC's activities.

He is unlike his predecessors in two other ways. He is enormously competent and he wields unusual power. He is the second ranking Democrat on the Judiciary Committee, where he is head of its Immigration Subcommittee. He also chairs the Democratic Patronage Committee and the House Democratic caucus.

Walter is no tub-thumping bully boy of the stripe of Thomas or Clardy, no fumbling gumshoe like Velde, no calliope of inanities like Scherer. Acute and dignified, he is said to have been urged by Speaker Rayburn to take the HUAC chair to reform the Committee. But, under his leadership, HUAC has continued the basic pattern of witch-hunting which has marked it from the beginning. Thus Walter has denounced the National Council of Christian Churches, the largest and most respected church body in the United States, as Red-infiltrated; tried to use hearings to physically extract passports from witnesses to whom they had been validly issued; smeared the Fund for the Republic because he opposed its study of blacklisting; harassed a Quaker group for hiring a woman as a librarian who had pleaded the Fifth Amendment before a congressional committee; recruited ultrarightists and extremists as HUAC consultants and witnesses; openly used the Committee to force the discharge of unfriendly witnesses; and conducted a vendetta with the Supreme Court because he differed with its decisions in security cases.

Walter's zeal has produced widespread and powerful hostility to HUAC. He has increasingly used the powers of the Committee for its self-perpetuation by exposing its critics, cultivating a grass-roots Network political support, and by increased output of propaganda.

Walter's power in Congress has driven Congressional opposition into the cloakrooms. As Chairman of the Democratic Patronage Committee, he controls the disposition of jobs on the House side of Capitol Hill. As head of the Immigration Subcommittee, he can block a private immigration bill offered by his Congressional critics. This means that Congressmen who cross him must give up hope of bringing a constituent's relative into the country (or having him remain here) through a private immigration bill. As Murray Kempton has acutely written of Walter: "He thus stands as policeman over two of the fundamental interests of constituents of almost every Congressman, the jobs of their backward children, the entrance visas of their displaced uncles. Without his consent, a Congressman is almost debarred from performing service for his constituents; and a Congressman is a personal servant or he is no Congressman."

Walter has two pet hates—the Reds and the foreign-born. He is a highly articulate representative of a familiar "know-nothing" strain in American life which equates the alien with the subversive. But Walter is more than that: he is an unabashed, all-out xenophobe, an attitude which his political caution forces him to conceal, but which his rage brings to the surface often enough.

This special prejudice of Walter's is the central clue to an understanding of his role in the gallery of hatists. Walter is Chairman of the House Immigration Subcommittee—as gruesomely ironic a bit of legislative casting as one could conceive. And he is the author and champion of the Walter-McCarran Act of 1952. Of this legislation, which embarrasses our foreign relations, breeds resentment against us everywhere abroad, and mocks our protestations of equal opportunity, Cardinal Cushing has written, "It cannot be defended without recourse to the discredited and un-Christian tenet of racism."

It is hard to think of another statute which has stirred such enormous protest and demand for amendment. It was passed over President Truman's veto and its revision was repeatedly urged by President Eisenhower. But it is

Walter's proudest achievement, and his defense of it is a revealing measure of his prejudices. To Walter, criticism of the law is itself a proof of subversion. He has decreed that immigration is a "security" matter which is not to be treated in a "fraudulently humane" manner. When the law is under attack, Walter's emotions get out of control. He has called Jewish critics of the law "professional Jews" who shed "crocodile tears" over it. He has characterized as "throat-slitters" the crew of a French vessel, referred to certain aliens as "scum," and uses the term "hyphenated-Americans" to describe foreign-born groups. His considered judgment is, as he told the House, "I don't think these people [today's immigrants] are the kind of people our ancestors were."

When a critic of the Act, Edward Corsi, was appointed to head the State Department's Refugee Service, Walter really showed his fangs. On March 27, 1955, Mary McGrory, reporter for the Washington (D. C.) *Evening Star*, wrote:

Mr. Walter, at an open hearing several weeks ago, charged Mr. [Edward J.] Corsi with membership in several left-wing organizations. Mr. Corsi denied the charges.

In defense of Mr. Corsi, the State Department said that his presence on its roster indicated he had met the Department's high standards. Mr. Walter, however, contends that Mr. Corsi has not been cleared. . . .

Aside from the alleged left-wing association, Mr. Walter indicts Mr. Corsi on a second count—his outspoken opposition to the Walter-McCarran Act. . . .

"I'm not afraid of dagoes," said Mr. Walter. "And were 14 members of Congress [sponsors of the Walter-McCarran Act] psychopathic. . . .?"

Walter never produced evidence of the organization to which Corsi was supposed to have belonged (some 20 years earlier). Corsi had not charged that the sponsors of the Walter-McCarran Act were psychopathic. He had said that those who "believed in racist theories" were "Nazis" or "candidates for an insane asylum."

On April 4, Congressman Walter inserted in the *Congressional Record* the text of a letter he wrote to Congressman Rodino of New Jersey denying statements attributed

to him in the McGrory story. He complained he was misquoted, his statement was falsified, and "all my life I have been an admirer of Italy and a true friend of the Italian people." He said he opposed Corsi's appointment as advisor on immigration matters to the Secretary of State because "I believe that Mr. Corsi's association for a long period of time with highly objectionable groups and organizations continued long after it became obvious that these organizations were dominated by Communists, and they, in fact, became Communist dominated organizations." He added that he opposed Corsi because Corsi did not believe the Walter-McCarran Act was a good law. Walter insisted that Corsi had to go, and Secretary of State Dulles yielded.

The vendetta against Corsi is merely illustrative of a characteristic method of operation—for spite and anger rule this man. In 1956, Walter made an appearance before a House Appropriation subcommittee and urged it to investigate the political backgrounds of two appellate judges who had handed down decisions hostile to HUAC. He was attacked for this attempt to bully the judiciary by the national director of the Americans for Democratic Action. Walter proclaimed to the House that this critic had been a member of the Washington Book Shop, a defunct organization which had been cited ten years earlier by the Attorney General as a Communist front. Walter is an old hand at this kind of smear, in which Senator McCarthy thoroughly indoctrinated the Nation. In 1948, Walter charged a political opponent, Roy E. James, with subversion because of his membership in the American Veterans Committee, the Federal Bar Association, and the Institute of Pacific Relations, which he claimed were Communist fronts. Even though James lost the election, Walter pursued him when he returned to Government service and forced him out of his job.

Like Senator McCarthy, Walter is adept at suggesting the existence of derogatory files about an opponent but never producing them. This technique, which he used in the Corsi case, he found most useful in the course of a 1953 television debate on the Walter-McCarran Act. When a participant asked critical questions about the statute, Walter flourished a piece of paper before the cameras and said that he knew all about this man's record. After the

debate he refused to divulge the ominous evidence he claimed he had compiled.

On a similar occasion he vetoed the appointment of J. Donald Kingsley as director of the Intergovernmental Migration Committee because he claimed that Kingsley had two Communists on his staff. His proof, he said, could be supplied by Senator McCarran. Senator McCarran, when asked about the matter, said he had never heard of the two men.

Walter does not hesitate to use the Committee's power directly against his critics. After Marquis Childs, the newspaper columnist, wrote that a legal officer in the Defense Department had blasted HUAC's film "Operation Abolition," Committee investigators appeared at the Defense Department and demanded its files.

In the same way he lashed out, in 1955, at a West Coast jurist who handed down a decision in a case which offended Walter because, in his view, it had wrongfully barred the deportation of a Chinese. A fellow jurist, Chief Judge William Denman of the Ninth Circuit Court of Appeals, then 83 years old, charged that Walter was "guilty of cowardly conduct which warrants the widest possible public denunciation." Walter, determined to have the last word, introduced a bill requiring the chief judges of circuit courts to retire from that post at the age of 70. The *Washington Post* said that Walter was "unfit" to hold public office: "A man with so little capacity for governing himself seems scarcely fit for the governing of his countrymen."

Inevitably, the truth is sometimes crushed and frequently bruised when it conflicts with Chairman Walter's powerful drives. He conceded to the *Washington Post* that the HUAC film "Operation Abolition" had erroneously placed Harry Bridges at the scene of the 1960 San Francisco student hosing and arrests when in fact he was at lunch at the time. Yet, in a telecast some months later, in January 1961, he told the audience that Bridges was a leader in the affair. He then compounded the deception by stating that the original error about Bridges was not that the film's narration had placed Bridges at the scene of the demonstration when he had arrived after it was over, but in placing him there on another day.

"They [the narration] stated that Harry Bridges was there on Friday when he was there on Thursday, or vice-

versa. That is the terrible error that was made, but nobody has mentioned the fact that Mr. Bridges was there, Mr. Bridges, the well-known notorious Communist."

When Robert Weaver, Federal Housing Administrator, was nominated to his post by the President, he was widely attacked as a Red by racist members of Congress. They insisted that HUAC files supported the charge. Walter told newsmen there were no HUAC files to support this charge. But he did not tell them that on February 13, 1956, HUAC had released files on Weaver to Congressman Gathings of Arkansas, who used them to smear Weaver and other board members of the National Association for the Advancement of Colored People.

Walter suffers from strange memory lapses. In the 1961 trial of folksinger Pete Seeger for contempt of the Committee, the defense sought to prove that the hearings at which Seeger had testified had been improperly motivated and called Walter as a witness. He was asked whether he knew one Vincent Hartnett, author of the blacklisting manual *Red Channels* and a director of AWARE, a Network organization in the television field. Walter replied, "I have never heard his name." Yet Hartnett himself testified that he had interviewed Walter late in January or early in February 1955. Such a lapse in memory might be understandable, but Hartnett testified further that he sent Walter and the Committee's investigators materials which were used in the hearings. This, too, might have slipped Walter's mind, but the record shows that in a hearing the following year Hartnett testified as a friendly witness before Walter for an hour and 25 minutes.

Walter was asked whether he was familiar with Godfrey P. Schmidt, head of AWARE. He replied, "No, sir; I am not . . . I don't remember the name at all." This was strange. Just prior to the hearing, Schmidt had presided over a meeting of a Network organization at which Walter appeared as the guest of honor. At that time Walter had also appeared as Schmidt's partner in a television debate. Schmidt, like Hartnett, had testified before Walter in 1956. As Murray Kempton, columnist for the *New York Post* wrote, "Walter is . . . highly fortunate that he is not a Communist in a perjury case."

Equally dubious is Walter's explanation of the reason for HUAC's failure to probe the wave of racist violence and bombings of schools and synagogues, in the South. To all demands for HUAC investigations of these matters,

Walter has replied that the Committee's jurisdiction is not broad enough to authorize such investigations. In a telecast ("Youth Wants to Know") on January 28, 1961, Walter gave a youthful interrogator the following novel account of the limitations on HUAC's jurisdiction:

"Question: Sir, for our own information, could you tell us just what is considered un-American, by your Committee?"

"Representative Walter: Well, any activity that strikes at the basic concept of our Republic."

"Question: Sir, don't you agree that such subversive organizations as the American Nazi Party and Ku Klux Klan constitute a threat to the liberties of Americans?"

"Representative Walter: I don't think so. Actually, they haven't engaged in any activity on behalf of a foreign power and that, of course, is the big difference."

"Question: But sir, don't you believe that the suppression of minorities is against the Constitution of the United States?"

"Representative Walter: Of course, it is, but it is not within the jurisdiction of the Committee on Un-American Activities to make inquiries into that field. Our inquiries are limited by the statute creating the Committee, and this, of course is Communism and Communist activity."

Even Dies did not dare make this contention. He knew better. For the Dies resolution was merely a continuation of the Dickstein-McCormack resolution, which was expressly intended to cover racist and Fascist "propaganda activities" of both domestic and foreign origin. And this was the primary reason why the Dies resolution, of which the present Committee's is an exact copy, was passed in the first place.

Walter's decision that HUAC has no jurisdiction over subversive activities other than Communist activities is particularly strange since Walter was a Committee member when HUAC probed two native Fascist and anti-Semitic groups in 1954. But Walter knows that a probe of racist hate groups would bite the hands that feed him. HUAC's support comes from racist Congressmen. Racist groups are among HUAC's noisiest supporters. They write the letters and pass the resolutions demanding the continuation of HUAC. They distribute its literature, show its film, "Operation Abolition," and are paid-up members of the Network in good standing.

So, too, the cry for investigation of the John Birch

Society ignores the inner dynamics of HUAC's functioning. The society's program prominently includes support for HUAC; it is a most active distributor of its film. But it would be fascinating to learn whether HUAC, in such a probe, would summon its ranking Republican member, Gordon Scherer of the Society's Committee of Sponsors.*

Walter is one of the few Congressmen with high seniority who has not emerged with the chairmanship of an old-line committee. He was once a candidate for majority leader, if not for Speaker. Many believe that the appointment to his present post was ashes in the mouth and that he yearned for the chairmanship of an old-line committee; in particular, the Judiciary Committee. But he had to make do with this tarnished substitute in the hope of converting it into the real thing. He assumed the chairmanship at a time when the ebb of McCarthyism was expected to run it aground. Behind his tactics of intimidation, political blackmail and smear is an ultimate strategy of transforming a disreputable posse into a security bureaucracy of a new kind. Under his leadership, the Committee is being shaped into an adjunct of the FBI, a permanent political police force masquerading as a legislative committee.

Chairman Walter has sought to give HUAC a firm institutional underpinning in another way: by politicalizing the work of the Committee. HUAC's ever-increasing political propaganda activities are needed to keep the fear glands properly stimulated, to justify its own existence, to maintain its ties with the Network and, in recent years, to give expression to a preventive-war line in our relations with the Soviet Union and a tough policy on Red China.

As our chief political propaganda agency, the Committee operates an enormous publishing business. It has published hundreds of publications and distributed them in millions of copies—hearings, reports, indices, handbooks, pamphlets, biographical sketches, etc. It issues more publications and circulates more copies of them than all other House committees combined. The Committee's publications include tracts (*100 Things You Should Know About Communism*), "consultations" with experts (*Language as a Communist Weapon*, *The Crimes of Khrushchev*, *Com-*

* I should emphasize that I do not urge such an investigation, for it would be subject to the same objections as the Committee's investigations under scrutiny in this book.

munist Persecution of Churches);* popular political biographies of Communist figures (the *Who Are They?* series), and long-range propaganda works. The most ambitious of the latter is a multivolume encyclopedia *Facts on Communism*, which, Committee Chairman Walter says, will be one of the most comprehensive studies ever undertaken.

HUAC's most urgent theme is that the Communist Party is getting ready to take over. The evidence to the contrary is dismissed as the result of a crafty plan by the Reds "to mislead many non-Communists into believing that the Party is shattered and ineffective." HUAC warns that those who refuse to believe that the Communist Party has deliberately contracted in order to make itself stronger are to be viewed with suspicion, for they may well have a "deadly axe to grind."

HUAC's propaganda publications are as violently tendentious† as they are repetitious, but they afford the Network philosophers and theoreticians a forum and an economic watering place in dry seasons. They give the faithful the latest word from Washington on the dangers of the conspiracy. A recent campaign has sought to extend the circulation of HUAC's publications to industrial workers.

HUAC's latest experiment with self-justifying propaganda is the film "Operation Abolition,"‡ the successor to an earlier bit of cinematographic press-agentry which HUAC released in 1958.

HUAC's propaganda activities are sinister, unauthorized by its mandate, and, indeed, not a legislative function at all. But HUAC may thus have found a function for itself as a political hate-mill which gives it the political leverage, continuity and expanding power for which Walter hungers. In all but name, HUAC functions as our first ministry of propaganda.

In 1956, Walter found a kindred soul in Richard Arens and made him HUAC's staff director. Arens is a passionate

* One of HUAC's "consultations," Dr. Fred C. Schwarz's *The Communist Mind*, is claimed to be the most widely distributed document printed by the Government Printing Office.

† The *Crimes of Khrushchev, Part II* informs us that Khrushchev "played a very significant role" in the 1930-33 famine in the Ukraine. Khrushchev was a student at a Moscow technical school at that time.

‡ The film is discussed in detail in Ch. 11., "San Francisco Revisited."

alien-hater and Red-baiter. He is a prophet of the Network organizations and patrioteer defenders of America's security. They have awarded him the following honors, according to a listing in a Congressional staff "Who's Who" presumably furnished by Arens himself:

Certificate of Merit "for great and inspiring public service" by the Natl. Camp. Patriotic Order, Sons of America; Citation of Merit and Commendation by the Natl. Convention of the Amer. Leg.-54 (one of six persons to receive this honor); Citation for "outstanding public service," Amer. Coalition of Patriotic Societies; Medal of Honor, Order of the Founders and Patriots of America; Citation of Merit and Distinction, Natl. Women's Patriotic Conference on Natl. Defense; Certificate of Merit, Daughters of American Revolution.

Arens won his spurs in 1947 and 1948, when, as an aide of Senator Revercomb, he was instrumental in barring from asylum in the United States thousands of displaced persons, many of them Jewish victims of World War II. When Revercomb was defeated, Arens, a Republican, soon found his affinities, Senators McCarran and Eastland. In 1949, Arens helped Senator McCarran defeat Congressman Celler's proposal to permit at least 25,000 displaced Jews to come to this country from Germany.

Prior to 1955, Arens had worked for both the Internal Security Subcommittee and the Subcommittee on Immigration and Naturalization of the Senate Judiciary Committee. In 1955, he came into sharp conflict with Senator Watkins, who was the Administration's spokesman for amendments to the Walter-McCarran Act. Despite pressure from the FBI, he was forced out of the Senate Immigration and Naturalization Subcommittee and became a Red-hunter. He sat at Senator Eastland's side when, as a one-man Internal Security Subcommittee, Eastland held a hearing in New Orleans and used the perjurious Paul Crouch to weave a web of subversion around Supreme Court Justice Black.

Arens boasted that, while serving the Internal Security and Immigration Subcommittees of the Senate Judiciary Committee, he drafted, or helped to draft, the Internal Security Act of 1950, the Walter-McCarran Act, and the Communist Control Act of 1954. In August of 1956, after

he had been appointed Walter's staff director, continuing in his capacity as Senate Internal Security Subcommittee Staff director, he fed Senators Eastland and Jenner material for bitter speeches against a mild bipartisan amendment to the Walter-McCarran Act. When the Senate passed the measure, he helped Walter's parliamentary maneuvering to prevent a vote in the House. Congressman Celler has said of Arens that he "has created more havoc than dozens of men in Washington in reference to immigration and naturalization."

Arens' tenure came to a rather sticky end as a result of a series of disclosures by the late Ronald H. May, Washington correspondent for the York (Pa.) *Gazette and Daily*, and the *Capital Times* of Madison, Wisconsin. May revealed that Arens had served as a paid \$3,000-a-year consultant to Wycliffe Draper, a multimillionaire amateur geneticist who had dedicated himself to prove that Negroes are an inferior people and should be repatriated to Africa.

When respectable geneticists refused to support his theories, Draper formed two research committees—one on immigration and one on genetics. Congressman Walter was named by Draper's lawyers as head of the former committee and Senator Eastland of the latter.

Arens refused to tell May what work he did for the Draper project, except that it consisted of finding beneficiaries for research grants in the fields of "immigration and genetics." May also discovered that Draper made grants to "patriotic" anti-Communist organizations and that Arens had given advice to other wealthy men (such as H. L. Hunt, the Texas oil man, and Smith Richardson, North Carolina pharmaceutical magnate) on grants of funds to patriotic organizations.

It was revealed that one Arens-approved grant was made to Dr. Anthony Bouscaren, a McCarthy admirer. Bouscaren had toured the patrioteer circuit with Arens, lecturing before such organizations as the Christian Anti-Communist Crusade, had been ousted from Marquette University over the Draper grant, and had served as a HUAC consultant.

Walter himself at first admitted that he had spent some time in Africa looking for universities which might profit from Draper grants and had had conferences with officials of the University of Dakar for this purpose. By the time the interview ended, he denied knowing Draper or any-

thing about his grants. In a later statement to the *Washington Post* about the Draper project, Walter said, "I'm in a broad general way aware of its activities, but not to any extent." He left unexplained why, under these circumstances, he made his trip to Africa. Mr. Draper was not so forgetful; he made the largest contribution to Walter's congressional campaign fund—\$5,000.

In August 1960, Arens appeared with Bouscaren and others at a superpatriotic school at Glenview, Illinois, where Arens spoke on "Youth and Communism and the Web of Subversion." Arens' address on the latter subject is nationally distributed in recorded tape form by the Christian anti-Communist Crusade.

In one of his doom-laden speeches (in Des Moines, Iowa), Arens questioned President Eisenhower's patriotism for introducing his grandchildren to Khrushchev, whose invitation to come here, Arens said, was "morally wrong."

The DAR distributes a speech by Arens which charges that 180 Communist-controlled organizations in this country are dedicated exclusively to the purpose of destroying the Walter-McCarran Act.

Speaker Rayburn said that he considered it improper for Arens to receive pay from a private source while working for HUAC. Arens resigned and became a Commissioner of the United States Court of Claims in September 1960. But it can hardly be doubted that the mounting protests against HUAC, its abuses and hatist practices, contributed to Arens' departure.

It is generally recognized that the Walter-McCarran Act has brought Walter to the end of the line politically. But Walter cannot admit a mistake, especially one of such magnitude as the Walter-McCarran Act. His defense of the statute and his chairmanship of HUAC have carried him out of the main stream of American political life, where he was once firmly launched, and into the embrace of the fanatics of the Network, a mandarin among the hatists. He stands on a crag from which there is no descent, shrieking defiance at his critics. In the spring of 1961 he announced that reasons of health had forced him to end his congressional career at the end of the current congressional session.

4 EXPOSURE: THE CONGRESSIONAL PILLORY

In 1951, Congressman Walter, presiding as a Committee member at Honolulu hearings, made no secret of his hope that the "power of public opinion" would implement the Committee's exposure of witnesses.

The exposure system is a concealed, and, indeed, an unconstitutional form of law enforcement; it has no place in a tripartite system of government such as ours, which requires that each of the three coordinate branches of government—legislative, executive and judicial—respect the integrity of the others.

Legislative power is concerned with the enactment of laws setting general standards of conduct which apply to everyone. Investigations in aid of the legislative power are directed at patterns of conduct, at behavior which reflects a general condition, illuminating the need for a new law or measuring the effectiveness of an existing law. An investigation—a *legislative* investigation—cannot be conducted for the purpose of passing judgment on and determining the guilt of an individual. The prosecution of individuals under duly enacted law is the exclusive responsibility of the law-enforcement branch, which is part of the *executive* department. The determination of guilt or innocence falls exclusively within the province of the courts, which is the *judicial* department. Or, to put it simply, one body makes the law, the second carries out the law, the third judges guilt or innocence under that law.

Our governmental structure was erected on this tripartite underpinning, not for reasons of symmetry or convenience, but *because no better way could be found to reconcile the use of governmental power with the claims of individual freedom.*

As John Adams noted in 1775:

A legislature, an executive, and a judicial power comprehend the whole of what is meant and understood by government. It is by balancing each of these

powers against the other two, that the efforts in human nature toward tyranny can alone be checked and restrained, and any freedom preserved in the Constitution.

About 150 years later, one of our greatest Supreme Court Justices, Brandeis, pointed out:

The doctrine of the separation of powers was adopted by the convention of 1787 not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.

The doctrine of separate and coordinate powers is a fundamental precondition to the functioning of democratic government itself, the means of preserving a system of checks and balances. Its purpose is not merely to correct abuses of power in a particular instance, but to discipline its exercise, to institutionalize arrangements which will prevent abuse from arising in the first place. Its integrity is the profound concern of all of us.

There are aspects of our Government which cannot be squared with the separation-of-powers principle. For example, there is no question that the executive veto power is a legislative function and that the senatorial power to confirm appointments is an executive one. The development of our administrative agencies has imposed a considerable strain on this principle, for those bodies exercise both executive and judicial functions. But their activities are subject to judicial review to ensure that they do not exceed their charters or violate individual rights.

Whatever modifications the principle of separation of powers has suffered since the Constitution was framed, its basic substance remains intact.

Throughout U. S. history, Congressional committees have occasionally abused their power: they have investigated for nonlegislative ends, to expose individuals for public condemnation or to act as a court to try individuals. The hunt for headlines, political ambition, the zealotry to benefit or injure a particular economic group, or to influence the outcome of a labor dispute, the temptation to

have a fling as a prosecutor (many lawyer-Congressmen suffer from a "Mr. District Attorney" complex)—all of these, singly or in combination, have led Congressional committees on occasion to depart from legislative ends.

What must be emphasized here, however, is that, in contrast to the occasional lapses of other committees, the Un-American Activities Committee systematically and deliberately uses its powers for nonlegislative ends. Moreover, these nonlegislative ends are achieved not in the context of a legitimate inquiry, but through an investigative apparatus which is specially tailored to do one thing and one thing alone—injure the witness. Exposure is not the by-product of the Committee's hearings; it is the primary product—the way in which the Committee exercises its jurisdiction. It is not that the Committee fails to comply with the rules of the game. It plays a different game in a different ball park.

HUAC has dedicated itself to the special and unique function of exposure. Thus the Committee and its members have openly and proudly dedicated themselves to the abuse of the power vested in them by Congress. In 1947 the Committee explained that its function was to "expose activities by un-American individuals and organizations which, while sometimes being legal, are nonetheless inimical to our American concepts and our American future."

In the same year, J. Parnell Thomas, then Chairman of the Committee, proclaimed in a radio address:

The chief function of the Committee . . . has always been the exposure of un-American individuals and their un-American activities. This is based upon the conviction that the American public will not tolerate efforts to subvert or destroy the American system of government, once such efforts have been pointed out. The Congress' right to investigate *and expose* [itals ed.] undemocratic forces is as established and untrammelled as our Constitution.

This fine-sounding phrase merits examination. The citizen might reasonably ask: Established by whom? And when? And obligingly, in 1951, the Committee provided their answers in a publication distributed in more than a million copies (*100 Things You Should Know About Communism*): "Exposure in a systematic way began with the formation of the House Committee on Un-American

Activities. May 26, 1938 . . . with instruction from the United States House of Representatives to *expose* people and organizations attempting to destroy this country. That is still its job, and to that job it sticks." There's that word "expose" again. Yet the Congressional instruction to the Committee says nothing about "exposure"—this was merely Martin Dies' interpretation of the function of the Committee.

Again in 1952, before Representative Velde assumed the Chairmanship of the Committee, he confirmed that exposure was the Committee's objective: "If the Committee on Un-American Activities is to execute its duty and obligations to the American people, I feel that we must do all in our power to obtain the confessions of former Communists and subversives, not only as to their own membership in subversive organizations, but also as to the membership of their associates." During his tenure, Velde, a former FBI agent, repeatedly announced that "ferreting out" Communists was the Committee's basic job.

During the past decade the Committee has continued to dedicate itself to exposure objectives. However, the Supreme Court's decision in the *Watkins* case has forced it in recent years to soft-pedal its public statements and to deceive the witness, the press and the courts about its purpose and its being. It has not in any way departed from its exposure practices. Indeed, since the eclipse of McCarthyism and the decline of mass hysteria about the Red menace, HUAC has had to sharpen the exposure system in order to maintain its effectiveness.

Whatever may be the ultimate purpose of a bona fide legislative investigation—recommendations for new legislation, the appraisal of a law already on the books, a check on the conduct of executive personnel—it centers on some problem, some issue, some evil: e.g., "payola," the prize-fight racket, the operation of the Port of New York Authority, the high price of drugs. The need to throw factual light on "the matter under inquiry," is all-important. It determines the nature of the evidence to be sought, the kind of witnesses, the number, time, and place of hearings. When the subject is exhausted, the investigation is over.

But HUAC has created for itself an inexhaustible subject. It can always find "subversives" who must be exposed.

The "issue" with which the Committee is grappling is supposedly Communism. But the hearings held are designed to shed light not on the issue, but on the witnesses. HUAC's basic purpose is dual: first, publicly to identify the political affiliations of the witness and his associates and, second, to punish the witness because of those affiliations.

The identification itself is a serious interference with the rights of free speech and association. To a far greater extent than is generally acknowledged, our political and social freedoms are dependent on privacy and anonymity. The secrecy of the ballot, the confidential character of trade-union membership, the assurance that subscribers will receive publications in "plain brown wrappers"—in these and in scores of other ways we recognize that free association, thought and speech require privacy and anonymity.

Indeed, free speech became possible only when the conditions of life made anonymity possible. The right remained an abstraction in a pre-industrialized society when each man was at the mercy of his neighbor's prejudices and was bound to the mores, the religion and the politics of his community. As Professor John P. Roche has written, "In a very real sense the very impersonalization of urban life is a condition of freedom; it is quite possible to live differently from one's neighbors without their knowing, much less caring, about deviation." The right to dissent on fundamental questions, proclaimed by the founders and enshrined in the Constitution, is meaningless without anonymity.

The conformist pressures under which we live have made individual speech so perilous that organizations are indispensable to give dissent strength and anonymity. But now it has become dangerous even to join organizations. The Committee relentlessly seeks the identification through "pitiless publicity" of members of organizations in order to undermine our most meaningful freedom—freedom of association. Thousands might be willing to join the Committee for a Sane Nuclear Policy (SANE) because they are convinced that nuclear testing is the road to final incineration. But how many are ready to act in the face of the fear that their names may be published by the Committee as subversives and reprinted in the newspapers of their community?

The Committee's major achievement has been the transformation of the hearing into a public identification device which destroys the privacy essential to freedom. Because it strikes at the preconditions of freedom, the ever-present threat of being dropped into the Committee's goldfish bowl has been more stifling than all the repressive legislation on the books.

The effectiveness of the Committee's use of the identification device has shaped the basic strategy of modern repression. Compulsory disclosure has emerged in our time as the most widely used and most effective form of restraint on our basic freedoms. Senator Dodd insists that Dr. Linus Pauling turn over to him the names of American scientists who assisted him in circulating petitions in opposition to nuclear testing. New Hampshire Attorney General Wyman sends Dr. Willard Uphaus to jail for refusing to divulge the names of guests at the World Fellowship Camp. A Florida legislative committee jails the Reverend Theodore R. Gibson for his contempt of the committee in refusing to produce membership lists of the NAACP.

Arkansas, Texas, Tennessee, Virginia, Georgia and Louisiana have all tried to destroy the effectiveness of the NAACP by requiring the disclosure of its membership lists. The Southern attempt to "disclosure" the NAACP to death has been rebuffed in five Supreme Court decisions ruling that compelled disclosure violates the constitutional guarantee of freedom of association. In *NAACP v. Alabama*, 357 U.S. 449, the Supreme Court noted that:

Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association. . . . It is hardly a novel perception that compelled disclosure of affiliation with groups engaged in advocacy may constitute an effective restraint on freedom of association. . . . [The] vital relationship between freedom to associate and privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs.

The theories which justify identification and compelled disclosure lured many liberals in the forties. "Stand up and be counted!" became the battle cry when the cold war

touched off a drive for a means of policing dissent which might not collide with constitutional guarantees. Disclosure was widely touted as a needed counterpart to the labeling requirements of the Pure Food and Drug Act. The provisions of the Securities and Exchange Act for public registration of stock issues gave rise to proposals for an "SEC of ideas." These theories have been murdered by the realities. The supporters of these theories exaggerated the need to protect the "consumer" of ideas from deception and ignored the key relationship of privacy to freedom. In addition, they failed to recognize that disclosure of dissenting opinions would inevitably lead to reprisal and punishment by hostile forces in the community.

Nor did they foresee that the requirement that a person disclose his own present or past political affiliations can easily lead to a requirement that he identify others—and become an informer.

The invasion of the privacy of the witness and the restraint upon his freedom of association are just the down-payment on the full damage which the Committee does to him. The hearing is intended to destroy him as a person, to violate his dignity by forcing him to confess his political "sins," and to deprive him of his livelihood. This is the Committee's punishment for his offense of being, not even a *proven*, but a suspected "subversive"—not by any means only a Communist, or an ex-Communist, but anyone whom HUAC expediently chooses to consider "subversive," whether it be because of affiliation with the NAACP, or the National Council of Churches, or SANE, or any other organization which falls under its disapproval. The witness has violated no law; he has merely declined to answer the "Sixty-four dollar question," ("Are you now or have you ever been a member of the Communist Party?") on the basis of a constitutional amendment—usually the Fifth Amendment—privilege against self-incrimination. This plea, as the Supreme Court has repeatedly ruled, cannot give rise to an inference of guilt. Moreover, even if the witness had been a Communist Party member, such membership is itself an exercise of constitutionally protected rights of free speech and association. The exposure process seeks to brand its victim as subversive for the rest of his life on the public record, a visible continuing target for hostility and reprisal. The goal is to make the unfriendly witness permanently unemployable by attaching to him an indelible

stigma—democracy's counterpart of the yellow armbands which Hitler forced on the Jews.

The exposure punishment is actually closer to us than Hitler's Germany. We are dealing here with a latter-day version of the pillory and stocks, the devices used in the 17th and 18th centuries to hold offenders on exhibition in a public place, in an uncomfortable and degrading posture. These archaic instruments physically punished and humiliated the offender, and at the same time exhibited him as a warning to others. Most importantly, the pillory held a man helpless in its grasp as fair game for the community; it was intended that he be spat upon, cursed, taunted and stoned. The pillory was used—especially in the 17th century—to punish dissenters.

It is no mean achievement to engineer the punishment of an American for nothing more than resorting to rights protected by his Constitution. To ensure the destruction of the witness, the hearing is carefully staged to reach and inflame, through the press, radio and television, a wide audience beyond the hearing room: the community at large, employers, bar associations, local police authorities, boards of education. The exposure hearing is a highly efficient weapon. Professor Daniel Pollitt, studying the results of two years of hearings, showed that of 64 unfriendly witnesses appearing before the Committee on whom information was available, 50 lost their jobs.

The knife of exposure sometimes cuts too deeply and wounds even the cooperative witness. Justice Black, in the *Barenblatt* case, pointed out that: "Even those the committee does not wish to injure are often hurt by its tactics, so all-pervasive is the effect of its investigations."

When the individual's privacy is invaded on the witness stand, the shield of urbanization and large-scale industry is transformed into a sword. A powerful press rubs the community's and the employer's noses in the disclosure. The likelihood is strong that the victim is a stranger to his neighbors, without protection against their suspicions. The giant size of our employing units, their interrelatedness and close ties to the defense establishment, make it easy for the Committee to hound the unfriendly witness out of employment in an industry. In a highly integrated society, the victim has no place to hide, no economic or geographic haven of tolerance. By the early fifties, many powerful employers (General Electric, Westinghouse, R.C.A., Beth-

lehem Steel, U.S. Steel, to name only a very few), and indeed, whole industries, proclaimed a new ground for automatic discharge or suspension—being an uncooperative witness, or a variant thereof.

In the professions, the Committee struck a gusher. Long-established tenure protections were uprooted overnight as boards of education made noncooperation with congressional committees a ground for termination. Many American universities, the United Nations, newspapers, symphony orchestras, private schools, social agencies and research organizations adopted the same policy.

Only a corporal's guard out of the large number of public-school and university teachers who were unfriendly witnesses have survived exposure. It is charged that there are still 200 writers and performers who are blacklisted in Hollywood as a result of the operation of the exposure system. With the exception of a few *New York Times* reporters, almost all other journalists who were exposed by the Committee or its Senate counterpart were fired.

There are even a number of states which during the fifties denied unemployment benefits to those discharged for being uncooperative witnesses (Maryland, Pennsylvania and Massachusetts). In some states an unfriendly witness cannot obtain a license to sell liquor, tend bar or perform as a wrestler. The District of Columbia will not permit an unfriendly witness to tune pianos. And the Network once forced the cancellation of a chess tournament in Baltimore because a leading contender was an unfriendly witness.

The victims of the old-time pillory sank or swam on the tide of community judgment; thus the pillory of popular dissenters such as Daniel Defoe and John Lilburne was made the occasion for public triumphs in their honor; but Titus Oates, the notorious informer, emerged half-dead from the pillory. The Committee cannot afford to leave the fate of its victims to chance.

For all of the fear-mongering stagecraft of the hearing, there remains the possibility that the exposure will not "take." The Committee needs some representatives in the community who will make sure that all goes well in its absence. To this end, it has perfected a system of collaboration with the Network of rightist organizations which I have already referred to. Among the most prominent of these are: the American Legion, the Veterans of Foreign Wars, AWARE, Inc., the Christian Anti-Communist

Crusade, the Daughters of the American Revolution, and the American Council of Christian Churches. In addition, the Network includes scores of individuals and *ad hoc* organizations which spring up in connection with particular hearings.

The Committee's organization Network serves a variety of functions. Its members get access to the Committee's files and dossiers for the low-down on local suspects. Network members are instrumental in bringing the Committee to their communities. They are the beaters and the advance men for the hearing and drum up favorable publicity. At the hearing, special seats are reserved for them.

But the Network members are more than supporters and well-wishers. They act as the Committee's agents and do for it what it cannot do for itself. The Committee cannot officially require public or private employers to discharge the unfriendly witness—although it frequently comes pretty close to doing so anyway. For such open pressures would fatally discredit its claim that the hearing is merely a legislative investigation. The Network enables the Committee to ensure the injury of the witness and at the same time to avoid legal responsibility for it. To make it easier to force the witness out of employment, the Committee publishes his name over and over again, first in a special index to its public hearings, then in its annual report, and again in a huge cumulative index.

Members of the Network visit the local newspapers to develop pressure on employers. They personally write, call and visit private and public employers. They organize the forced removal of unfriendly witnesses from shops—"run outs," as they are called. They circulate copies of the hearings, write letters to the newspapers demanding the discharge of the unfriendly witnesses, pack board of education meetings called to discuss the fate of the teachers who were unfriendly witnesses, and organize telephone campaigns to force sponsors to fire performers and writers. The dynamics of this partnership between a public agency and private power groups was put forth with striking candor by Representative Walter before he became Chairman of HUAC:

Rep. Francis Walter (D. Pa.) who will take charge in the new Congress of House activities against Communists and their sympathizers, has a new plan for

driving Reds out of important industries. He said today he plans to hold large public hearings in industrial communities where subversives are known to be operating, and to give known or suspected commies a chance in a full glare of publicity to deny or affirm their connection with a revolutionary conspiracy—or to take shelter behind constitutional amendments.

“By this means,” he said, “active Communists will be exposed before their neighbors and fellow workers, and I have every confidence that the loyal Americans who work with them will do the rest of the job.”*

5 HOW EXPOSURE WORKS

Exposure is not simply a process of identifying a witness as a subversive at a public hearing. It might be difficult to engineer the punishment of the witness merely for exercising his constitutional rights. Careful preparation is needed so that the identification is made in an atmosphere of pervasive hostility; fear must rule people's thoughts and drive out reason so that Network groups can call the turn the Committee wants called.

The Committee strives to inflame the community to destroy the subversive and, in the process, to discredit and attack all kinds of liberal causes and activities. The exposure system produces a planned political overkill.

The community movement which HUAC shapes to destroy the exposed witness spreads like a brush fire. A Committee hearing, if properly planned, can influence the decision in a local tax issue, kill a housing referendum, defeat slates in trade unions, PTA's and cooperative elections, blast the hopes of a candidate for Congress or a local council, reduce participation in a community forum, force a change in the school superintendent, remove books from library shelves, and plunge the community into a miasma of suspicion, hate and fear.

* *Washington Daily News*, November 19, 1954.

Early in March 1956, HUAC subpoenaed 35 members of the Hollywood Musicians Union, Local 47, American Federation of Musicians, for appearance at a hearing in April 1956. It became necessary to leak the names in order to smear a group within the local which was then engaged in a dispute with the international. On March 9, the *Los Angeles Examiner* listed the names and employers of 22 of those subpoenaed. As a result of these disclosures, a foreign cultural tour was canceled by the Symphony of the Air and three of the subpoenaed musicians were barred from a tour by the Los Angeles Philharmonic. The release of the names effectively accomplished its exposure purposes long before the hearing even opened.

In February 1953, HUAC announced, even before a subpoena was issued, that it planned to call John T. Gojack, a trade-union leader, to testify at a hearing in Fort Wayne, Indiana. This announcement was made on the eve of a hotly contested collective-bargaining election and for the purpose of influencing its outcome.

The hearing was subsequently canceled and a new hearing scheduled—also just prior to a collective bargaining election. Before the issuance of the second subpoena for Gojack's appearance at the adjourned hearing, Chairman Walter told reporters that the purpose of the hearing was to put Gojack's union out of business. While the subpoena was still unissued, a local newspaper, the *St. Joseph (Michigan) Herald-Press*, where Gojack's union functioned as a collective-bargaining agent for the employees of the Whirlpool Company, printed an interview with Chairman Walter stating that the hearing would expose Gojack and that "the rest is up to the Community." The newspaper commented that "the hearing will precede by three days the NLRB representation election at Whirlpool."

The advance release of the information that the subpoenas would be issued had its intended effect in each instance. The union lost the election.

These are examples of some of the preliminary effects of a hearing. Meanwhile, the buildup to the hearing is steadily proceeding.

The news of the hearing slowly seeps into the community. A HUAC investigator visits a potential witness at home and asks him to cooperate. He is warned that a refusal might lead to loss of job, or (in the case of a natural-

ized citizen) to denaturalization. If the potential witness remains hostile, he is visited at his job. The employer is requested to make the employee see the light.

When the roster of witnesses is complete, an alert goes out to security officers of corporations, boards of education, local politicians and other interested individuals. Included among the insiders are the Network leaders, who are jubilant over the arrival of *der Tag*. The Committee frequently works with a local journalistic tout who gives its investigators tips on suspects. In exchange, he is permitted to break the story, "Red Probe Due in February"; "Committee Investigators Gather Evidence"; "Commie Probe to Call 40, Express Learn!" The story quotes a "reliable Committee source" that HUAC has uncovered a serious threat to the community's security.

By now gossip and rumor fill the air with the names of the victims. Some of them are called in by their employers for "quiet talks." The special hum that fear makes—of loss of job, of injury to family and career—becomes louder. There are anxious telephone calls—has a stranger appeared with a piece of paper, a subpoena? HUAC's supporters are mobilizing. The community is still passive, but curious—waiting for the next development.

While stoutly insisting that it is a firm policy not to release the names of those subpoenaed, HUAC ("a source close to the Committee") frequently leaks the names to the press. The announcement of the subpoena in advance of the hearing makes it easy to develop discharge pressures. The local vigilantes ride harder. Resolutions are passed; trials are held; halls are closed; shrill-voiced patriots call employers, school boards and professional societies to put them on the spot about subpoenaed employees and members.

At last the subpoenas are actually served—usually about a month before the hearing. Now the Committee issues a press release. It frequently promises sensational disclosures of some particularly grave peril which will be aired at the hearing ("Probers Fear Port Menaced"; "Defense Area Declared Infiltrated"; "Sabotage Threat to Be Probed by House Committee"). As the hearing day approaches, the press goes into action with "background" stories ("Red-Led Unions Here Overdue for Probe"; "Teachers Cell Ten Years Old"). When the tempo lags, "dope" stories (inside advance information) appear about

the unfriendly witnesses ("Area Salesman to Be Called by Probe"; "Six Defense Workers Subpoenaed").

By the time the hearing opens, the normally passive anti-Communist members of the community have been gulled into believing they are genuinely threatened, while the community Network is riding high on a tide of vociferous hostility. The press waits to cash in on the scare headlines it has been running; expectant citizens await with alarm the disclosure of information that menaces their community; unfriendly witnesses, anticipating the rack for weeks, reach a crescendo of anxiety. The cry of "Communist!" has been made to echo the panic of an insidious disease once proclaimed by another cry, "Unclean!" The climate of fear is prepared, the stage set.

In the typical case, the person who is served with a subpoena knows he has been singled out for public exposure. Sometimes he is summoned to a private, executive session. He hopes that the private session will shield him from further harassment. But if he refuses to answer in executive session, he is called for a public appearance.

Here is the statement of a witness who appeared at an open hearing, in November 1959, purportedly dealing with subversion among Puerto Ricans in the continental United States and their homeland:

1. A representative of this committee first approached me in December of 1957 and I was interviewed by him in my office. On November 3, 1958, almost a year later, two representatives of the committee, Mr. Williams and Mr. Gerhard, visited me at my home in New York City. At this time these representatives noted that my graduate studies as a candidate for Doctor of Philosophy were nearing completion. They suggested that I had a promising career ahead as a scientist and that it would be a pity to ruin my career before it was even started. They stated that if I did not provide them with the information they requested, I would be served with a subpoena by the committee. They stated that if I refused to testify and invoked the protection of the Fifth Amendment the consequent publicity would result in reprisal by persons outside the committee

who disapproved of witnesses invoking the Fifth Amendment. They reminded me that other careers had been ruined by such exposure. They stated they had delayed service of the subpoena in the hopes of eliciting cooperation. At the end of the interview, when they decided they had been wasting their time, they announced that a subpoena would be forthcoming and commented, "Let the chips fall where they may."

2. I appeared before the committee in executive session on August 6, 1959. At that time I declined to answer questions concerning my past or present political associations and personal affairs. I was continued under subpoena until today. I can only conclude that my summons to this open hearing is an attempt to make good the threats to carry out this punitive action. It would seem that the broken careers that have been left behind by the committee are not an unfortunate by-product of information-gathering for legislative purposes, but rather a primary purpose of the hearings.

Torn between his fears and his principles, the unfriendly witness is plunged into an agonizing crisis. He knows that the Committee demands his physical presence in the hearing room for no reason other than to make him a target of its hostility, to have him photographed, exhibited and branded.

Life in a democracy has not taught him how to cope with these attacks. He knows that the vandalism, ostracism, insults, crank calls, and hate letters that he and his family have already suffered are but the opening stages of a continuing ordeal to which he is to be relentlessly subjected. He knows that he may lose his job—if he hasn't already lost it—and that his family faces a kind of community outlawry. Most of all, he is tormented by the awareness that he is being punished without valid cause, and deprived, by manipulated prejudice, of his fundamental rights as an American and of the moral and ethical protections which a civilized society extends to every man. He is sickened by the realization that an agency of Government has pandered to the bigotry of the community and now proposes to make his personal life a prey of that bigotry.

He must choose a lawyer (and pay him a fee). If he is

still employed, he must explain to his employer that he will be away from work—and why. If the hearing is out of town, he may lose several days' work (and incur extra legal fees and expenses). Will the witness' wife share his feelings? (A blacklisted witness, Alvah Bessie, has written, "Personally, I know of at least fifteen broken marriages broken because husband or wife became an informer or refused to. . . .") Shall he tell his coworkers about the subpoena? Will they understand? Or should he pray that the story of his appearance will be buried on the back pages? His youngsters have been taunted, shoved off the sidewalks and spat upon. What about the children's school? Should the teacher or principal be spoken to? Should he consult the minister?

As he approaches the hearing, the fear, the sense of shock, intensifies. A subpoenaed person, interviewed in the course of The Fund for the Republic's investigation of blacklisting, describes it this way:

Even though you know what takes place in that committee, you are so accustomed to respecting government in all its forms, that your fear is enormous. Intellectually, you understand what's happening, but you can't control the fear. An insidious form of self-guilt sets in. You accept the views of the committee in spite of yourself. It's quite bewildering. Afterwards, you find yourself guarded and evasive whatever you do, wherever you go.

While the Committee likes to see the unfriendly witness exposed and destroyed by publicity even before the hearing, it is careful to shield the identity of the friendly witness, especially if his name and role have never before been disclosed. These witnesses are frequently issued subpoenas as though they were unfriendly. The Committee will not identify them before the hearing because, it says, they might be assassinated or their families injured by the bloodthirsty Reds. Besides, this heightens the discomfiture of surprise, the drama of confrontation, and minimizes the possibility of cold feet, second thoughts, or the development of discrediting material (always a danger with an informer) which might dampen community enthusiasm.

Moreover, it is important for the friendly witness to share the confidence of the unfriendly witnesses until the

opening of the hearing so that he can testify about the hostility with which the unfriendly witnesses responded to the Committee, the steps they planned to resist it, and the advice that they received from their lawyers—something that might be difficult if the friendly witness were not subpoenaed and impossible if his “friendly” status were disclosed. In the 1959 Pittsburgh hearings, the Committee, with great relish, elicited testimony from a friendly informer about the reaction of the unfriendly witnesses to the hearing, and how, armed with his own subpoena, he penetrated their meetings with counsel and, masquerading as an unfriendly witness, shared in the legal advice that they received—a tactic which outraged even the Pittsburgh press.

The public hearings throb with hostility. When the hearing is held on the road, the Committee arranges in advance to pack the room with its Network supporters. The 1954 Seattle hearing was so jammed with members of the American Legion Auxiliary and Pro-America that many of the witnesses and their lawyers had difficulty getting into the hearing room. The friendly witnesses are separated from the unfriendly ones and are usually seated in an enclosure reserved for the Committee itself, members of the United States Attorney's office, the FBI, employers and members of the local antsubversive squad. When the hearing is held in Washington, similar efforts are made to ensure a hostile audience. At the 1953 Washington hearing of Reverend Jack E. McMichael, the best seats in the hearing room were reserved for members of the Circuit Riders, a reactionary religious group which shares the Committee's views. Each seat was lined in advance with copies of its literature.

When the hearing begins, the Chairman of the subcommittee conducting the hearings makes a statement in which he freshens up the fears of the audience and inspires them to finish off the unfriendly witnesses. The Reds are more menacing than ever; their machinations are more diabolical; do not be deceived by the number of individuals who have left the Communist Party; these are sinister tactics to screen a revolutionary plot, etc.

After this ritualistic denunciation, there follows a special local appeal. Chairman Velde's opening gambit in the

1954 Seattle-Portland hearing is a classic example of the genre:

There is probably no section in the United States that possesses a more strategic importance than this area. We members of Congress recognize this fact and, unfortunately, so have enemies of this country.

In the Committee's world it is always high noon—there are no unstrategic areas, every industry is the most vital to our defense and every example of subversion the most devilish it has ever encountered.

Sometimes the need to make a good first headline for the afternoon press will drive the Committee into particularly silly charges. In July 1959, the Committee opened hearings on "Communist Training Operations" with an announcement by Chairman Walter that one of the witnesses had "received orders from the Kremlin, which have now been transmitted to the comrades in the United States. . . . to intensify the training of key revolutionaries in sabotage, subversion and penetration." There was not a word of evidence adduced in the hearing to support this charge, but it was good for a headline: REDS STEP UP SABOTAGE WALTER SAYS.

In the late forties and fifties, it was easy for the Committee to bring about an employee's discharge simply upon the basis of his failure to answer "No" to the question, "Are you now or have you ever been a member of the Communist Party?" It is more difficult today. Our traditions of tolerance and fair-mindedness are beginning, albeit sporadically, to reassert themselves. By 1956, the Supreme Court in the *Slochower* case had said that "We must condemn the practice of imputing a sinister meaning to the exercise of a person's constitutional rights under the Fifth Amendment."

Ambushed by these unforeseen developments, the Committee, with a new Chairman, Francis E. Walter, fought back. It set about to recreate a Red hysteria and to translate that hysteria into a readiness to hate and injure the unfriendly witness. As a first step, Chairman Walter engaged as staff director in 1956 Richard E. Arens, the greatest living expert in the art of exposure, and a disciple of such masters as Senators Eastland, McCarran and Jenner.

When the informer takes the stand, even Arens can do very little to recreate the mingled sense of fear, awe and excitement which his revelations produced in an earlier day. But Arens does his best to invest the performance with melodrama and menace. After the preliminaries are disposed of, the Committee gets to the heart of the matter—the listing of names. The Committee already has the names, but it wants them on the public record. For example (Communications, 1957):

Mr. Arens: Now during the course of your membership in the Communist Party did you know a number of people as Communists who were engaged in the communications field?

Mrs. Greenberg: I did.

Mr. Arens: Do you have before you now a list of names of persons that you have given to the staff here, persons known by you to a certainty to have been members of the Communist Party?

Mrs. Greenberg: I have.

Mr. Arens: As to each of these persons, have you observed him or her in a closed Communist Party meeting?

Mrs. Greenberg: I have.

Mr. Arens: Would you kindly tell us the names of each of these persons, and give us just a word of description concerning each one of them?

The witness then proceeded to list the names previously given to the Committee.

If the witness forgets a name, he is prompted (New England, 1958):

Mr. Arens. May I make the record clear here? The names which I have, from time to time, been prompting your memory with and suggestions are, in each and every instance, names which you have heretofore given us?

Mr. Penha: That is absolutely correct.

Mr. Arens: In private sessions, is that correct? Now may I suggest the name of——

The witness then characterizes the political position and importance of each person named. In most instances, the

victims turn out to be of the leadership elite. There are few unimportant Communists in the informer's world. Hearings rarely fail to turn up a headline: WITNESS NAMES NO. 1 RED IN AREA PROBE.

When the informer leaves the stand, he is held in reserve for confrontations and for spot appearances.

It must be remembered that the subpoena and the Committee appearance is only one path to the Committee's goal of exposing and ruining its victims.

As the friendly witness recites the list of names, each one described and the spelling verified, when necessary, to pinpoint the victim, newspaper reporters relay their stories of the disclosures. At once the machinery that worked on subpoenaed witnesses now goes to work on people who have merely been *named*. The named victim's phone rings; the press is calling for a statement. Discharge and trouble strike; the entire community becomes an exposure mill. The next edition carries as front-page news the list of those named—with photographs when they are available. Stores and homes are picketed; calls to boards of education are made, boycotts are threatened, blacklists are imposed, emergency meetings are called. The named victims can be exposed and ruined on a wholesale scale without a subpoena or an appearance—simply on the testimony of an informer.

The following recital by a named, and subsequently subpoenaed, doctor tells its own tale.

On September 21, while you were questioning a doctor, you asked him whether there was a certain type of meeting in my home, and you mentioned my name twice, and you spelled out my name to make sure that everybody got it, and the following day at 10 o'clock in the morning the superintendent of the hospital asked me to resign because of the associated publicity. This, mind you, after seven and one-half years of excellent service, admitted by the superintendent of the hospital.

The meeting referred to was a "meeting of the medical division of the Arts, Sciences and Professions."

Finally, the dreaded moment arrives. The subpoenaed

unfriendly witness, named by the friendly witness who has just left the stand, is called to testify. The Committee moves in to complete the exposure; members of the FBI staff and local Red squad look him over as he moves toward the witness stand to fix his face in their minds. He is overborne and bewildered by the naked hostility of the governmental forces confronting him.

The picture which the Committee presents is as harsh as it is false. The Government of the United States, in the persons of members of the Committee, panoplied by its staff, United States marshals and friendly witnesses, has trapped an enemy of the Nation, lurking and plotting in his community and place of employment, and is bringing him to book. The Committee members sit high on the judges' seats of the local courthouse (where field hearings are usually conducted), or on the dais of the august caucus room in the old House Office Building in Washington. The witness proceeds to a table below with a gagged counsel at his side, to be judged and punished at the same time. And this highly direct use of power is as arbitrary as it is harsh, for it is unredeemed by any of the procedural deencies of the Anglo-American legal system.

The witness makes his way to the stand, amidst the popping of flash bulbs, the grinding of television, the clicking of still cameras, and the bustle at the press table. His lawyer complains of the unnecessary bedlam and requests that the cameras be halted and the televising cease. The Committee solemnly explains that it has no jurisdiction—and this frequently in a Federal courthouse—over the photographers or television cameramen until after the witness is sworn. This reason for evading Speaker Rayburn's ban on the televising of all committee hearings is akin to a claim that the Committee would be powerless before a witness is sworn to prevent a spectator from smoking or brawling at the place where it is conducting a hearing.

Moreover, the cameramen know very well that the Committee really does not intend that they cease photographing or televising the witness during his testimony. They usually continue while the witness or counsel protests in vain. For example, in the 1958 New England hearings the Chairman ruled at the request of a witness that "no pictures will be taken during the course of the testimony. . . ." The photographers persisted after she took the stand. She protested, "The photographers are getting me very nervous,

Mr. Chairman." Her counsel added, "I thought the pictures were not to be taken, according to your own ruling." For this simple reminder, counsel was rebuked for "taking this opportunity to make speeches."

When the cameras continued, the witness pleaded, "Please I am very nervous when the pictures are taken. Please, I ask that no pictures be taken." The Committee, still declining to enforce its own ban on photographers, told the witness, "If you would answer the question you would not be so nervous." There followed an attempt to terrorize the witness into answering with the help of the grinding cameras. Another request to halt the televising ("I want to call your attention that you are still permitting the cameras to go after you already said they would not"), was ignored as the Committee pressed harder and threatened contempt. The witness again protested, "Mr. Chairman, the photographers are still taking pictures here"—and they continued to do so until the witness left the stand.

While objections to photographers are frequently futile, a failure to object sometimes brings the taunt that the witness is avid for publicity. In a recent hearing in Chicago, a 70-year-old witness who had been hospitalized with a heart attack asked the Committee to consider his age and health in its interrogation. When his counsel said that there was no objection to the photographers, Congressman Scherer sneered, "You don't think that would hurt his heart condition?"

As in a slaughterhouse, nothing in an exposure hearing is wasted. The very first questions asked (residence, occupation, place of work) are all designed to contribute to the witness' ruin. The Committee knows where the witness works, but how can the Committee be sure that a witness will lose his job if the nature and place of his employment are not put on the record? Similarly, the public identification of the witness' home address, which the Committee also knows, is indispensable if his neighbors are to be reached. Matters such as these could hardly be left to chance.

The Committee invariably threatens contempt against witnesses who refuse to answer such questions. Even when the witness pleads with the Committee that previous disclosures have resulted in molestation, it does not relent.

The Committee has refused to permit a witness to withhold his address when he pleaded that, as a result of a previous appearance, "we had many anti-Semitic letters." Another witness pleaded in vain: "We have been molested every time there was such a hearing. I have small children and we have been molested by some hoodlums."

The witness' office address is an equally vital piece of information (Los Angeles, 1952):

Mr. Moulder: Where is your office located from which you engage in the practice of law?

Witness: In the City of Los Angeles.

Mr. Moulder: In what building and office number?

Witness: Does that have any pertinency?

Mr. Moulder: To properly identify you as to who you are. We are trying to designate as to just exactly who you are.

Witness: I believe it is in the telegram as correctly stated here, Mr. Moulder. That is the telegram which I received summoning me to this postponed hearing.

Mr. Moulder: Then do you refuse to answer that question?

Witness: Well, my address, as I say, is correctly stated in the telegram. I believe you have a copy.

The witness answered the question.

In the 1959 Los Angeles hearings, the Committee tried to force a witness to state whether he was a doctor or a dentist and to give his street address. He gave his address as "Los Angeles County." But this did not satisfy the Committee. First Committee Counsel Tavenner tried to justify extracting his address from him on the ground that it was necessary "to locate him geographically so as to be able to know what his opportunities are for knowledge of Communist activities" in the particular area under investigation. Congressman Jackson suddenly sprouted a concern that the Committee might be confused. There was, he claimed, another individual with the same name; the residence was important to eliminate the possibility "of confusion with another doctor with the same name."

The doctor's lawyer unsuccessfully tried to offer this information off the record. The Committee wanted it on the record. To satisfy both Tavenner and Jackson, the witness specified the area of the county where he lived.

Throwing pretense to the winds, the Committee demanded, "Where, what address, that is a very general area." The witness then gave his street number. Surely there could not be two doctors with the same name, living in the same area, and at the same street number. But the Committee closed in on him: "What city?"

"Well," continued Mr. Tavenner, "it has been a long time finding that out. Where do you maintain your office?" The witness' lawyer, again to spare his client harassment, offered to supply this data off the record. When the Committee refused, the witness pleaded the Fifth Amendment.

In the Newark hearing held in September 1958, a witness resisted giving his residence and occupation because he had appeared in executive session where he had already given the Committee answers to these questions. He lost his job.

A witness (Youngstown, 1956) is asked to state her occupation. She answers, "If I state my occupation, I will be fired. I prefer to withhold that."

Mr. Arens: You are required to state your occupation. . . . I respectfully request that the witness be ordered and directed to answer the question. . . .

Witness: I am a social worker.

Mr. Arens: And you work where?

Witness: I expect if I made public where I work, that I will be fired. I hope that I do not have to make public that information.

Mr. Arens: Maybe it would be in the public interest if we would divulge where you work. . . .

Mr. Willis and Mr. Velde assure the witness that she will not lose her job, if she answers the questions.

Mr. Arens: What do you do at the place where you are employed?

Witness: I am a social worker.

Mr. Arens: And what do you do where you are employed?

Witness: I do the usual duties of a social worker.

Mr. Arens: And among whom do you work?

The witness again begs the Committee not to force her out of her job. Let's start on another question, Mr. Arens

suggests, and then we will return to your job. "Are you a Communist?" When the witness declines to answer on constitutional grounds, Arens again insists, "Now tell the Committee where you work."

Again the witness appeals to the Committee not to take away her job. Arens offers her another bargain: If the Committee doesn't require an answer to the employment question, will she talk about other organizations. She is asked about those and again about the Communist Party. The witness declines to answer on constitutional grounds.

Mr. Arens: Now we are back where we started from. Tell us where you work.

Witness: Your Honor, I am a social worker for a private social agency.

Mr. Arens: And what is the name of that private social agency?

Witness: As I said, if I give the name, I will certainly be fired.

Mr. Arens: Did you have a discussion with your employers respecting your membership in the Communist Party when you accepted this position with this private social agency?

This last question is the standard question used to cue the employer to fire a witness and at the same time to supply a reason for the discharge. Arens was beginning to weary of the cat-and-mouse game he was playing with the witness, for in his next question he indicated that he knew all along where she was employed, and worked in the "brainwashing" theme.

Do you think your losing your job might be because the parents of the children that you influence in Communism, try to influence in Communism, protest a little bit if they knew they had a Communist on the grounds? Do you think that is what might be in the back of your mind?

After taunting the witness a little more and permitting her to thrash about as the net was being drawn tighter, Arens asked, "Are you presently employed at the Jenny E. Clarkson Home for Girls at Valhalla, N.Y.?"

But it was not enough for Arens to torment the witness,

first, by seeking to use economic pressure to force her to surrender her constitutional rights; second, pretending that the Committee did not know where she worked and needed to know for a legitimate reason; third, by suggesting without any factual warrant at all that she deserved to lose her job because she had abused her relationship to her charges; and fourth, by naming her employer after the witness had made it clear that such a disclosure would result in discharge. When she repeated that the disclosure of her employment was "unfair" and "unfortunate" and would injure her, Arens baited her in a new way: "You didn't lose your employment with the Western Pennsylvania Committee for Protection of Foreign Born because somebody said something bad about you, did you? . . . You didn't lose your job as executive secretary of the Civil Rights Congress in Pennsylvania because someone said something bad about you, did you? . . . Did the Communist Party ever deprive you of a job?"

After another try at the "brainwashing" theme ("how old are these girls? . . . how many are there in the home?"). Arens tried a new gambit and asked the witness to identify her name on a *Daily Worker* wrapper: "We are going to give you an opportunity now to make your employer proud of you, and these little girls proud, that you are here serving your country, telling us all about the conspiratorial apparatus that would destroy this country. Just tell us if you are she. Perhaps you receive the *Daily Worker* to use it in uncovering other Communists or something. We receive it in our work all the time."

The Committee's tactics succeeded—the witness lost her job.

What conceivable relationship does this inquisitorial savagery bear to the process of gathering facts to help Congress discharge its legislative responsibilities? The hate, the drive of almost pathological intensity to wound and hurt which breaks through the records of this (and so many other) hearings, echoes with chilling fidelity the grillings of Jews by the Nazis—before worse came. To bring the matter closer to home: where could one find a more vivid counterpart to the 17th century arraignment and trial of a witch?

When the prehearing publicity does not get the witness fired, the Committee tries to have the subpoena served at

the place of employment (See Chapter 9). If this gambit does not succeed, the Committee uses the hearing to exert pressure on the employer. In the 1956 Youngstown hearing, a witness had already stated her employment. Mr. Arens then asked, "Tell us a little more about your present job. . . . How many members of the faculty or of the organization are there, paid employees, in a comparable status to yourself? What are your functions or duties? To whom are you a secretary? Have you discussed with your employers your appearance here today?"

To the last question, the witness replied, "I was served a subpoena at work, and my employer was right there, and I explained it to him." Arens asked, "Did you have a discussion with your employer on the issue of Communism?" This frequently posed question is intended to suggest to the employer that the witness concealed his or her political views in applying for employment. Anticipating a possible attempt to discharge her after the hearing, he warns her not to return to her employer and deny that she is a Communist. She was subsequently forced to resign and her husband also lost his job.

Another question which is sometimes used to cue an employer and give him a ground for discharge is: Did you recruit anyone into the Communist Party while at your work. Or, Did you engage in Communist activity at your job?

On many occasions it becomes unnecessary for the Committee to pursue the subject of the witness' employment. He has already been fired as a result of the subpoena:

My name is ———, and I live in Newark, N. J. As to my occupation, I am now unemployed as a direct result of this Committee. I was called before an executive session. I appeared there and I was subpoenaed to an open hearing and when I so informed my employers, I lost my job. [Newark, 1958]

Mr. Tavenner: What is your profession or business or trade.

Witness: At the present time, for the last 2 days I am unemployed, having lost my job 2 days after I was served a subpoena by the Committee. [Los Angeles, 1955]

I am ——— from Roanoke, Virginia, and I am unemployed, thanks to the Committee; after I got your subpoena, I was fired.

The last witness went on to explain that she worked for two doctors. "They said that they . . . couldn't keep me on with the kind of newspaper publicity that was coming out about me [Atlanta, 1958]."

The Committee's obsession with the witness' occupation has other significance besides the need to tell its supporters where to go to have him fired. The Committee shapes the hearing so as to create the inference that the witness' entire life is the product of a subversive design. Occupational questions are intended to suggest that the witness is a dangerous person—uncovered by the Committee in the very act of assaulting our ramparts.

HUAC thinks nothing of tracking down a witness' job history through his entire lifetime in the hope of turning up exposable material. In the course of a brief examination of a witness in 1958, Arens asked him some 65 questions about how he had earned his living for 24 years prior to his interrogation!

The worker-witness is invariably painted as a potential saboteur, no matter how remote his work from the area of defense. In the 1956 New Haven hearings, the Committee sought to sensationalize the fact that a number of unfriendly witnesses had been employed at the Bridgeport General Electric plant and hence had their hands on the Nation's throat. The fact that washing machines were manufactured at the plant apparently made no difference to the Committee. A textile worker is asked, "Do you know whether Wamsutta Mills had any army contracts?" The Committee even regards insurance agents as "defense workers" in a "basic industry."

A war veteran is treated by the Committee not as a fine citizen, deserving of praise, but as a disguised revolutionary with access to guns, a betrayer of secrets, a collaborator with insurrectionists. A wounded and decorated officer is asked (Youngstown, 1956), "During the course of your period of service in the Army, were you under the discipline of any organization controlled by a foreign power?"

A worker in a plant who came from another city, or

who has more than a high-school education is a "colonizer"; sent by the Communist Party to penetrate a new stronghold.

A teacher of teen-agers or tots—it does not matter—is merely a "brainwasher" in pedagogical disguise. Whether the witness is a social worker, a lawyer, a bookseller, a doctor, or a longshoreman—the Committee strives to facilitate his exposure by portraying him as uniquely sinister. Nor must it be supposed that the unfriendly witnesses came to their strategic posts by accident. The Communist Party works unceasingly, the Committee reminds us, to penetrate, infiltrate, colonize, etc., so as to prepare itself for the revolution. And even ties with the PTA, YWCA, or a church are depicted as the product of a sinister effort of the never-resting octopus to acquire new prizes for the Kremlin.

A favorite "identifying question" seeks to establish alienage or noncitizenship. A foreign-born witness automatically suffers the Committee's hostility and suspicion—particularly if he is not naturalized.

In the 1953 Philadelphia hearings, Congressman Walter, an unabashed xenophobe, commented acidly on the large number of foreign-born unfriendly witnesses.

It should be more than clear by now that the hearing is not a legislative investigation at all, but an inquisition. The initial question about the witness' residence and occupation are not mere formalities to identify him in a preliminary way, but dodges in a game of exposure.

These tactics are used solely because the witness is unfriendly. The witness can escape this grilling simply by becoming friendly. For example, if the witness does not want to give his address or his occupation, he can indicate his readiness to cooperate. ("You do not want to give your street address? There is no necessity for giving your street address.") In one instance, after being asked if he were a member of the Communist Party, and before answering, a witness requested the removal of the camera. Chairman Velde replied:

Well, now, may I ask the witness this: If I do order—or if the committee does order—the cameras turned off and the lights turned off, would the witness then answer the questions put to him by the counsel?

Witness: Well, I would feel more at ease.

Mr. Velde: Well, would you answer the question as to your membership in the Communist Party if the lights were turned off and the television and news-reel cameras ordered to desist? Would you then be willing to cooperate with the committee in that regard?

The heart of the hearing—the \$64 question, “Are you now or have you ever been a member of the Communist Party?” and its variations—have no investigative meaning or purpose. The Committee’s claim that this question is not a destination, but a journey to the facts, a “preliminary question,” is a deception. The absurdity of the claim that the \$64 question is asked as a matter of unavoidable necessity to establish the witness’ qualification to report the facts which alone interest HUAC is best demonstrated by the savagely accusatory character of the “questioning” of the witness about his politics.

It is not Arens’ style just to ask the witness the \$64 question and let it go at that. He has perfected a ripe anti-subversive baroque, so freighted with prejudicial rhetoric that a failure to respond will yield a maximum of exposure value. Arens asks a witness if “he is now or has ever been a member of a Godless conspiracy based on perversion and deceit,” if he is a member of the “army of the Kremlin steeled to overthrow our institutions and operating behind a façade of humanitarianism,” if he is part of a Kremlin-controlled world Communist operation aimed at the nerve centers of our Nation.” Here is a full-blown example (Ohio, 1956):

Are you a member of an organization that is dedicated to the destruction of religion, dedicated to the destruction of the entire Judo[sic]-Christian concept upon which his Nation is founded?

Picking up steam, he continues, “Are you a member of any organization which is an atheistic organization, dedicated to the destruction of religion, the sterility of the individual, of all concepts of God. . . .?”

The witness, who of course has been sworn, is called upon not merely to answer the question, but to answer it, “Now that you are under oath. . . .” When Arens asked

a leading West Coast minister a question so prefaced, his lawyer in vain protested. "Is there any suggestion the witness is not under oath? . . . There is no point in asking this man, this witness, if he is under oath while he is under oath. This is unnecessarily offensive to the witness."

When the witness challenges the pertinence of a question, it is a cue for a renewed exposure attack. Listen to Arens explain to a witness why he is being interrogated: "We understand, and we have received testimony from live witnesses identifying you . . . as part and parcel of that movement, as a dedicated zealot of the Communist conspiracy in the United States who masquerades behind the Constitution of the United States, and would desecrate the flag of this great Nation. . . . And I propose, if you will tell us whether or not, while you are under oath, you are in the conspiracy of the Communist Party, to interrogate you at length with reference to plans and proposals and designs of this conspiracy which were taken from premises under your custody and control."

When the witness takes refuge in the plea of the privilege against self-incrimination, or of the First Amendment, Arens has another go at him (New England, 1958): "Maybe you do not know what you are declining here. I just ask you if you think that is a pretty serious charge to level against a man. He is in the underground apparatus of a foreign-controlled conspiracy to overthrow the Nation, under whose flag he obtained protection. Don't you think that is a kind of serious charge to make against a man? Would you like to express yourself on that, or am I probing into your thoughts?"

A witness who declined on constitutional grounds to discuss his participation in a group known as "Coalition for Freedom and Democracy" was asked, "You certainly wouldn't be ashamed of being in a coalition for freedom and democracy would you—unless it was a false freedom and false democracy under the auspices of a conspirational apparatus?"

When the witness objects to the loaded character of the questioning, he finds himself attacked from a new direction. A witness in the Los Angeles 1956 hearings was asked about his relationship to an organization known as the Southern California Peace Crusade: "Kindly tell us while you are under oath now and in the aura of patriotism which you have surrounded yourself in the opening state-

ment, whether or not you betrayed your country by being executive secretary of this organization designed to subvert the security of this great Nation?" The witness protested that "there is a condemnation attached to the question." Arens tauntingly rephrased it, "For the moment may we change to say were you executive secretary of this innocent little organization, this patriotic organization, this organization for the uplift of humanity, the Southern California Peace Crusade?" Note the sarcastic diminutive in the preceding quotation. Arens is very fond of this device: "In 1949 did you go to New York City for a little session of the American Committee for the Protection of the Foreign Born?" (Youngstown, 1956).

A minister complains that the question, "Are you now, or have you ever been, a member of a godless conspiracy controlled by a foreign power" is improper because its characterization contains a value judgment based on opinion. Arens insists that the protesting witness has waived the privilege against self-incrimination and should be required to answer because he has "voluntarily" dealt with the subject matter of the question.

Many witnesses fear that to answer any "political" question (even about espionage) might be considered a waiver of the privilege for all purposes and ultimately lead to an informing demand. Arens asks the questions of the witness which he knows could be truthfully answered in a completely exculpatory way, but which the witness feels obliged to decline to answer in order to preserve his constitutional privilege—a trick perfected by the late Senator McCarthy. When it becomes clear that the witness intends to plead the privilege broadly out of fear of waiver, Arens throws all restraint to the winds and wallows in what amounts to a parody of a movie-style courtroom scene. In a loud staccato, he asks (perfectly sure that the question will be unanswered): "Now, sir, I put it to you as a fact and ask you to affirm or deny the fact that you are part of an enterprise to destroy the very constitution of the United States under which we all have protection, that you are the agent of the Communist Party as an arm of the international Communist conspiracy sent into Atlanta for the purpose of engaging in conspiratorial activities on behalf of the Communist Party. If that is not so, deny it under oath."

Arens is not always sure how far he can use the question

as a means of testifying against the witness. Thus, in the 1956 Seattle hearings, he first tested out a witness: "I . . . ask you while you are under oath to affirm or deny the fact that you are an expert in the Communist underground conspiratorial apparatus and in garroting?" When the witness pleaded the self-incrimination privilege to this question, Arens tells him: "I put it to you as a fact, sir, that you were trained in the underground school to garrote for the International Communist conspiracy. Now deny that, you are under oath."

Not a scrap of evidence was introduced in the record to supply a factual foundation for these questions. A staff writer of the *Seattle Times* commented the next day:

But while the Communist witnesses used traditional American liberties as their shield, across the table, Richard Arens, committee counsel, at times stooped to tactics that were unbecoming to an employee of Congress.

Arens appeared to be more intent upon assailing some of the witnesses than he was in extracting information.

Arens used his position to testify against the witnesses to the point of accusing one of being a murderer and trained saboteur. Arens offered no substantiating evidence.

The Constitution provides that no person—not even tough, unyielding Communists—shall be held to answer for a capital crime except on an information or indictment. His questions at times clearly were out of bounds.

The Committee rarely gets an answer from a witness which it does not know will be helpfully lurid. Still, there are a few witnesses about whom it is hard to be sure. They are willing to talk about themselves and appear to be thoroughly disillusioned with Communism. Will they give the Committee the kind of answers that will contribute to the exposure process? This is a problem familiar to the cross-examiner in a courtroom. He tries to protect himself by phrasing the question with care and preparing another question deflecting the impact of a possibly unwelcome answer. Here is how Arens maneuvers this dilemma in

quizzing a recently resigned member of a Communist Party state committee:

Mr. Arens: Did the Party emphasize heavy industry?

Witness: I would say Yes. Rather, actually the emphasis was not heavy. It was industry that had a large number of workers.

Mr. Arens: Was there any espionage operation conducted to your knowledge by the colonizers, or was that separate and distinct?

The witness refused to be cued into a helpful answer.

I have absolutely and unequivocally [sic] no knowledge of anyone in the Communist Party mentioning the subject. . . .

And now Arens' repair work—for he could hardly permit denial of Communist espionage by a disillusioned Communist official to stand untampered with on the record: "Our information is that it is a separate channel." What "separate channel" and what "information" are, of course, never elucidated.

Now a try for a more helpful answer about sabotage. "Did the Party in your experience have its sabotage operations operating through the conduits or channels of the colonizers?" The question, of course, assumes that this or some other witness had testified that the Party had a "sabotage operation." The witness answers, "I could not even begin to answer such a question. I don't know what existed besides those things I am familiar with."

Here is how Arens neutralizes this answer by a Communist official denying knowledge of sabotage: "That confirms our information of elsewhere, that that is a separate operation." The "information of elsewhere" is, of course, never disclosed.

The witness, although fully cooperative in other aspects, was subsequently indicted for refusing to name his former associates. A doubt persists: Would he have suffered this fate if he had been more helpful on the subject of heavy industry, sabotage and espionage and had not forced Arens to treat his denials as confirming the existence of a

"separate channel" for Communist espionage and sabotage operations?

On occasion, early in the hearing, the Committee stages a confrontation, which is a device for dramatizing the unfriendly witness' identification by the informer. The informer physically points to (the argot is "fingers") the victim and states that he knew him as a Communist. The feat is usually performed by an undercover agent; few ex-Communist friendly witnesses are called upon to do it.

Mr. Arens: While you are under oath, would you kindly look at the gentleman who has just testified? Look him in the face and tell this committee while you are under oath and while he is under oath, did he or did he not tell the truth when he said he knew you as a Communist?

Mr. Scherer: I ask that you direct the witness to look at the witness Wereb.

Mr. Doyle: So that the record will show, I instruct you to face the witness, Mr. Wereb, who has, under oath, sworn that he knew you as a member of the Communist Party, and ask if you recognize him.

A more conventional form of confrontation runs like this: "The previous witness laid his liberty on the line, and said that he knew you as a member of the Communist conspiratorial apparatus. While you are under oath, stand up like a red-blooded American and tell the Committee was he lying or telling the truth."

The witness, of course, would never be permitted to cross-examine his accuser—that is not the practice of legislative investigating committees, explains Mr. Arens. As for the informer laying his liberty on the line, it would be the height of fantasy to suppose that the Committee would bite the hand that feeds it by challenging in any way the veracity of the undercover agent.

It may be recalled that Bishop Oxnam revealed in June of 1954 that Harvey Matusow had twice confessed perjury. A month after this announcement by Bishop Oxnam, the Committee summoned its former star witness. When asked by Congressman Clardy whether he had ever admitted lying, he referred to a recanting affidavit he had given to the *New York Times*. Congressman Clardy first tried to

take Matusow off the spot by suggesting that the affidavit was not "under oath" (as though that somehow made the recantation false). But when it appeared that it was, Clardy triumphantly brushed it aside on the ground that "it was not a statement before the Committee."

Dealing with the Oxnam charges, Matusow explained that his statements to Bishop Oxnam were simply the product "of the instability of a young veteran." This response the Committee translated to mean that, "You were telling the truth when you were before this and other committees?" When Matusow indicated that Bishop Oxnam should be given "the benefit of the doubt" in construing the press statements about his interview with Matusow, Clardy put in, "You haven't heard the Bishop very often?" Thus cued, Matusow responded nobly, if he was accurately reported by the newspapers, "The Bishop is a dishonest man."

After Matusow was thus encouraged by the Committee to call Bishop Oxnam a dishonest man, the former Attorney General of the United States, J. Howard McGrath, wrote to Oxnam's lawyer that Matusow had in June come to him and confessed falsely identifying many people. When the letter was released on July 10, 1954, not only did the House Committee take no action, but Velde brushed aside the Oxnam-McGrath charges as "curbstone gossip."

If neither a former Attorney General, nor a respected bishop of one of our largest denominations could induce the Committee to question the word of a self-confessed liar, how can Mr. Arens seriously claim that an informer "lays his liberty on the line" when he charges a witness with subversion? When it subsequently became clear that the bishop and the former Attorney General were correct and that the informer had lied even about whether he had recanted, the Committee then changed its tune—but in a characteristic way: Congressman Walter announced that Matusow was a sort of E. Phillips Oppenheim double agent who had been directed by the Party to lie to Congressional Committees and then to confess in order to discredit congressional investigations!

Confrontations are good for headlines; they make the hearings coruscate with sinister emanations of hidden guilt. Another device which accomplishes a similar purpose is the offer of immunity from prosecution. Most law-

yers are convinced that the Committee lacks the power to give immunity to a witness. But that makes no difference—it creates the impression that he is concealing secrets of such vast import to the Nation's security—espionage, sabotage—that every legal resource must be exploited to overcome his silence. Other favorite tactics are votes to recommend contempt, denaturalization, deportation, withdrawal of defense contracts. Department of Justice investigation into the bona fides of a Taft-Hartley non-Communist affidavit, etc.

As the hearing moves along, the Committee never loses sight of the main problem—to steep the witness in an atmosphere of crime, treason and sedition. One way of building a record against the witness is deliberately to force him to plead the Fifth Amendment over and over again by asking a flurry of questions all falling within the same area. The Committee knows from the initial response that the witness will refuse to answer, but a high score is good for headlines (Local Man Pleads Fifth Forty Times) and helps sharpen the exposure consequences. Sometimes the Committee pointedly comments in the record on the frequency of the plea. (Congressman Clardy: "I hope the gentleman isn't a drinking man . . . thirty-four fifths taken in less than half an hour is quite a lot.")

The questions are frequently used in this multiplication game to give the Committee the air of a prosecutor who is on to something big but is frustrated by the silence and evasiveness of the witness. (Did the witness have a mimeograph machine in his basement ten years ago? Was he present at a party at which the guests consumed a cake frosted with a hammer and sickle? Did he ever live at a given address 15 years earlier?) The impression which the Committee wants to leave with its audience and the press is that it has access to damning intelligence data implicating the witness in serious crimes.

A special contribution of Mr. Arens to the "cops and robbers" sweepstakes is to request the witness to sign the voucher for his witness fee on the record. He explains to the witness (and to the press) that he wants the signature to compare with the signature on a document in the Committee's possession (a letter, election petition, or a certificate of incorporation) which it regards as proof of sub-

version. A witness, fearful that he might lose the fee, may sign. Usually he pleads the Fifth Amendment. Arens then informs him that when he signs for his fee after the hearing, the signatures will be compared—a marvelous ploy for the gooseflesh trade.

A special form of the numbers game is the practice of ordering the unfriendly witness to identify others. HUAC knows that the witness will refuse—many witnesses plead the Fifth Amendment primarily to avoid becoming informers. The Committee likes to do this in order to smear particular individuals whom it dislikes, such as critics of the Committee. It thinks that the refusal of an unfriendly witness to identify others on Fifth Amendment grounds helps to expose him. The Committee will do this even where it is obvious that the individuals asked about have nothing to do with the matter under inquiry. It asks a recalcitrant witness to testify about persons attending a social gathering at which he was present. A witness who ran a summer camp for children was grilled in this way by Congressman Doyle:

Mr. Doyle: Counselors?

Witness: These are high school kids who help the kids have a good time.

Mr. Doyle: Tell me definitely the name of one counselor that you had last summer. . . . Tell me the name of one person. . . . You would not have any hesitation about giving the names of your counselors in executive session, would you? . . . Do you have a list of the counselors who were at your camp last summer? . . . And the addresses of the counselors are on that list . . . are they not?

The grand strategy of the Committee is, of course, to discredit the Fifth Amendment and to equate its use with guilt. The witness is frequently told that this plea is a direct clue to his guilt. A favorite ploy is to "test the good faith" of the pleader by asking a question which has no relevance to any legitimate inquiry but which invites the surmise that the witness is a knave—especially when he refuses to answer on the Fifth Amendment grounds. ("Are there any organizations [addresses] that you could tell us about which would not supply information which might be used against you in a criminal proceeding?")

Witnesses, with increasing frequency, try to foil the Committee's exposure game by denying present membership, but pleading the Fifth Amendment as to the past (the diminished Fifth). The Committee tries hard to make it appear that this is a trick, a Communist tactic. It asks a series of questions which push back by small increments of time the period of denial. Were you a Communist before you entered this room? A month ago? Six months ago? A year ago? In 1958?

This creates an unpleasant dilemma. The witness can answer "no" at a given point and plead the privilege beyond that point. But this answer in effect surrenders the plea by pinpointing the failure to deny earlier than a particular date. If he pleads as to each question in the time sequence (after having denied generally as to the past), the Committee makes it appear that he is a concealed Communist of one sort or another: "under discipline," "a member not of the formal entity but of the Communist operation," "a part of the Communist underground," etc.

The logic of the exposure process compels the Committee constantly to move to ever more direct forms of condemnation, naked of even a fig leaf of legislative pretense. This sometimes takes the form of rhetorical questions:

Have you formed any Committee for the Protection of the Hungarians?

Now tell us what you have done to protect the flag of this country by your activities in connection with congressional committees?

You are certainly not ashamed as one who has sworn to defend this great Republic to state what you have done to protect the helpless foreign-born, would you? Unless they happened to be Communist conspirators?

Have you betrayed the flag that you were sworn to uphold?

Are you familiar with the very first Psalm, "Blessed is the man that walketh not in the counsel of the ungodly"? [asked of a minister].

Mr. Velde asks a witness (Youngstown, 1956): "Whose side are you on in the revolt, Soviet Union's or the rebels?"

The witness replies, "I am on the rebels' side."

But Velde is not satisfied with the witness' answers to other questions, so he concludes, "From the witness' appearance and demeanor before this Committee, I am satisfied that he bears watching by the duly constituted authorities. I do not think he is on the side of the rebels. I think he is on the side of Moscow, the Soviets."

The late Tom O'Connor, a liberal newspaper man, was interrogated in 1952 about a charge that he had been a Communist in 1938. Congressman Velde asked him:

"Are you a member of the Communist Party now?"

"No, sir," O'Connor replied.

"Were you a year ago?"

"No, sir."

"Were you five years ago?"

"No, sir."

"Were you ten years ago?"

"No, sir."

Velde had no further questions, but made the following comment:

I personally can draw only one inference, that you are not only a past member of the Communist Party, but that you continue to be a member of the Communist Party and that you are an extreme danger to the country as the managing editor of a large New York newspaper.

The Committee uses the record to injure the witness in other ways. It recently held hearings in Pittsburgh to which it called a number of foreign-born witnesses who cannot be deported because the proof of their deportability is defective or because there is no country to which they can be deported. It filled the entire record with the Immigration and Naturalization Service dossiers on each of them. If a witness has been in trouble with the law—a tax case, contempt of court, a labor offense—HUAC brings it out "for purposes of identification."

As the frenetic Arens slows down, the Committee members take over. A few of them take an active role in the assault on the witness. The fire-eating Scherer glares at the witness, sneeringly comments on his responses, throws out a running fire of disparagement and insult. He specializes in perfecting the record for a contempt case. He stands

guard to make sure the witness does not "dance away from," or "weasel out of" a question.

Congressman Kearney—a former general and a leader of the Veterans of Foreign Wars—grunts his disapproval of the witness and joins in the attack in a rough-hewn style ("I am astounded at this character").

Congressman Doyle—a lawyer—likes to take over the questioning when the witness is about to be excused, seeking to wear him down into making disclosures he has already refused to make. He specializes in an evangelical approach: "Why don't you get yourself and keep yourself in shape as a young American citizen, when you don't have to plead your constitutional privileges. . . . This country has honored you by giving you birth. Why the dickens do you get into an atmosphere . . . where you have to refuse to help your own Congress . . . to work out what is just and fair in the field of legislation involving the cold war we are in with Soviet Communism. I suggest if you do it, you will feel a whole lot better inside."

As with many a frustrated evangelist, Doyle rains curses on the unconverted, virtually inciting a lynching of his hapless victim: "I think the great majority of people who are in this room, as well as the American public, whenever they think of you, will look at you with shame when you have called this sort of thing an inquisition. . . . The trouble is, we do not have enough help to expose the real intended purpose of people who write filth such as you have written in these papers."

An important part of the exposure hearing is the glorification of the informer witness. Some of them have been previously "named" by other informers—an incestuous form of betrayal which the Committee's name-hungry thoroughness makes almost unavoidable. The Committee voices its compassion for the economic and social hardships which they have endured, seemingly unconscious of the irony, in view of its attempt to force the same hardships on the unfriendly witness.

In a few instances, we encounter a case of double exposure—the informer who is twice named by other informers. In the Chicago (1959) hearings, the informer Joseph A. Poskonka, an FBI operative, complained to the HUAC that "there are a couple of errors that had taken place previous where I had been pinpointed as a Communist. The hearings in 1952, at the time when I

was pinpointed out by Roy Thompson, a guy which testified for the Bureau." Board member Willis consoled him with the thought that his accuser "was testifying truthfully." Mr. Poskonka replied:

"But at the same time my family and myself have been discriminated very badly and hurt, cut up to pieces because people pointed and thrown bricks and slapped me in the face and done everything imaginable because the neighborhood I lived, there are no Communists and they can't stand a Communist."

It came as no surprise to Mr. Willis that an exposed person and his family are the targets of thrown bricks, slaps and "everything imaginable." "That is always the case," he noted. The witness then complained that he got another dose four years later: "Just a minute. Also in 1956, the same thing, the kid was going to school, was pointed out; and I was coming home from church. People out of the church would come out and say, 'Here goes a Communist.'"

HUAC praises the contributions of the informer, "Your contribution may be as great as that of a division in the Army," Congressman Walter tersely puts it (Gary, 1958). A characteristic tribute is General Kearney's (New England, 1958),

Let me tell you something if I may. You are going to be called names by these people, but pay no attention to these Fifth Amendment Americans. They are no good. They will call you an informer, they will call you a two-timer, they will call you every name in the book, and we know all those names. But let me tell you now that you can walk out of this hearing room with your head held high. You are a credit and thank you.

As the hearing draws to a conclusion, the Committee congratulates itself on the valuable information it has acquired. At some point in these windup ceremonies there is a lecture about the Menace—its chameleon-like forms, its unceasing perfidies and constant growth. A quotation from J. Edgar Hoover frequently crowns this recital.

So ends the revels—as true a flowering of our anti-Communist frenzy as the Inquisition was of the Middle Ages'

dark superstitions. This institutionalized latter-day inquisition makes a conventional criminal trial look like a tea party. It has something of the crushing quality of a 17th-century state trial in which a lone, unprotected individual, foredoomed and prejudged, confronts his all-powerful adversaries sitting in judgment upon him. As in the case of many state trials, guilt is assumed: the prerogatives of power overwhelm the requirements of proof. A committee of Congress insists that the witness is subversive—shouldn't that be enough for anyone? Those who reserve judgment are regarded as accomplices—fit subjects for future exposure.

One observer has characterized the Committee's hearings as a "Roman Coliseum spectacle with Arens and the committee members playing the parts of the hungry lions." An English jurist, after observing a number of hearings, commented that for all the world they resemble some sort of military inquisition in which Arens and the Committee—temporarily in mufti—examine enemy prisoners, crow over their capture, and abuse them, but don't quite know how to proceed further. "If those chaps had a more literate script and the right costumes," he added, "they might film the hearings as a sequence in a war movie."

The ordeal of the unfriendly witness by no means ends with the hearing. He must now fight for his job—if he hasn't already lost it. If he is a public employee (a teacher or a civil servant), he is almost certain to be fired. If he works in a private welfare agency, a foundation, a university, his prospects are also dim—although they are improving. If the witness works for a large corporation, he can be discharged on the ground that he is a "security risk" or that his testimony has imperiled his employer's qualification for defense work, has diminished public confidence in the corporation's loyalty, disturbed the stockholders and demoralized his fellow workers. If the employer is a small businessman, a ground for discharge is that the establishment cannot stand the publicity. An unfriendly witness who is an actor, a screen writer or director becomes fatally "controversial." If he is a doctor, dentist or lawyer, his practice suffers.

The unfriendly witness may be forced to dig a cold-war foxhole for himself—become a day laborer (if the union will give him a card), buy a launderette or an antique shop, sell storm windows, printing or encyclopedias, rent

a stall in a farmers' market. He may be a gifted mathematician like Chandler Davis, or Lee Lorch; a promising psychologist like Lloyd Barenblatt; or an established radio figure like Louis Hartman—his exposure endangers his career. He may be forced to sell a prosperous business like Rose Anderson's Washington Investment Pharmacy, or Max Shlafrock's Florida contracting business. (Shlafrock had built the addition to the structure in which HUAC's Miami hearings were conducted. When he became an unfriendly witness, an ordinance was passed to revoke his contracting license. The structures he had built were checked for sabotage. He had to leave town.) Exposure may exile him to Mexico, Canada or Europe to practice his art or profession. He may be forced to conceal or change his identity, or sell his skills or services on the black market.

If he loses one job, he may be hounded out of the next, like Lloyd Barenblatt, who lost four jobs because he resisted the Committee, or Jean Schudakopf, an unfriendly witness who was first fired from a teaching post and then from a social worker's job because the agency appropriation from the United Fund was threatened if she were retained.

The unfriendly witness must struggle not only for his livelihood, but for his mental balance and dignity. The damage to his emotional and personality structure is enormous; exposure is a wound that festers. The exposure victim is frequently overwhelmed by anxiety and depression. He considers himself a pariah. An unfriendly witness may acquire a deep self-contempt: he comes to accept the judgment of his accusers that he is subversive. A great many unfriendly witnesses cut themselves off from all forms of social action out of a fear either that they may be subpoenaed again or that their presence may invite attack on an organization or movement. They shun new friendships because of the harm they may bring to others. To them the exposure experience is a hair shirt which they must wear all of their lives.

The Committee wants the exposure to be as penetrating and permanent in its consequences as possible. It exerts continuing pressures to force discharge. After the University of Illinois voted to reinstate unfriendly witness Ed-

ward Yellin to his teaching post, Walter pointedly wrote to the University for a transcript of the proceedings. If the exposure doesn't take—or if the victim gets another job—the Committee may expose him all over again in a new proceeding.

To preserve the impact of the exposure, the witness' testimony is printed. The hearing is also indexed with the witness' name.

When the Committee publishes the annual report, it again lists all of the witnesses in the body of the report and in the index. These annual reports are widely circulated among Network members. Current reports squeeze out less than a hundred names. This is quite a comedown from the thousand-name years of 1952 and 1953. If the witness has particularly aroused the ire of the Committee, a Committee member may see to it that his name is again mentioned in a speech on the floor of Congress.

Finally, the witness' name is entered in the Committee's huge file and is printed in the next edition of its cumulative index—a permanent condemnation of his loyalty to dog him for the rest of his life. How many criminal punishments are as severe as this?

6 THE RIGHTS OF THE WITNESS

While there are a growing number of Americans who are concerned with HUAC's usurpation of law-enforcement powers, there are many more who condemn its procedural abuses. A host of the Committee's critics are ready to take at face value its assertions of legislative purpose. But they still sense that the witness is no different from a defendant in a criminal case.

Violation of the constitutional requirements of separation of powers is a concern of courts and legal scholars—but everybody who reads the newspapers, looks at television or goes to the movies knows about the rights of a criminal defendant. These critics say, in effect, to the Committee, "We do not challenge your claim to be acting legislatively—we know nothing about that. However, we

insist that before you punish the witness as you do, you give him a fair trial. You can't have your cake and eat it too." This concern for the rights of the individual is deeply embedded in our folkways. We care less about where power is located than we do about how it is used—or abused. It was not primarily McCarthy's betrayal of his legislative responsibilities but his "methods" which undid him.

Thus, the demand has mounted that even one accused of Communism is entitled, before he suffers the very real punishment imposed by the Committee, to all of the procedural rights of a criminal defendant. These include indictment by a grand jury (or its Committee equivalent, a secret hearing); or the right to be informed in advance of the nature of the charges; the right to cross-examine the accusing witness; the right to compulsory process for obtaining defense witnesses; the presentation of evidence; the right to be represented by counsel; the right of the witness to testify in his own defense; and the right not to be exposed twice for the same reason (double jeopardy).

The Committee affords the witness none of these rights as they are conventionally understood and enjoyed. And, indeed, it cannot do so without admitting the truth: that it is exercising law-enforcement functions. Thus, as its procedural abuses mount, it renews its insistence that a legislative committee is not required to afford a witness from whom it only seeks facts the procedural rights of a criminal defendant. (When in the course of the 1955 Newark hearings a pilloried witness demanded the right of cross-examination, Chairman Walter replied: "There are no accusers here. This is a Congressional inquiry. This lady is not charged with any offense. This is in no sense of the word a trial and there are no witnesses against this witness at all. We are merely asking this lady some questions.")

But HUAC's justification for its procedural abuses is simply an extension of the same fraud by which its exposure operation is masked as a legislative investigation.

The most illuminating analysis of the procedural shortcomings of an exposure-type hearing is that of William T. Gossett, vice-president and general counsel of the Ford Motor Company:

Congressional investigations which are launched for

the purpose of inquiring into questions of personal conduct, closely resemble the inquisitorial functions of our grand juries. As all lawyers know, in any investigation or grand jury proceeding, it is inevitable that many fruitless lines of inquiry will be undertaken. And so some false leads must be pursued. The inviolate rule of secrecy in a grand jury proceeding is predicated upon the urgent necessity of protecting the good name of the many innocent persons who must be questioned and who, through no fault of their own, might be under suspicion before a determination is made as to which, if any, of those under investigation will be subjected to indictment or other action.

But no such protection is accorded to those who are so unfortunate as to be required to testify before many of our Congressional committees. Not only are witnesses interrogated in public, but they are denied basic constitutional safeguards which in a court proceeding are granted as a matter of right, even to one who, after investigation, has been accused of a crime. The constitutional safeguards to which I refer, of course, are the rights of the accused to be informed in advance of the nature of the charges against him; his right to be confronted with the witnesses who testify against him, and to submit them to cross-examination; his right to compulsory process for obtaining witnesses in his favor; his right to be represented by counsel; and his right to testify then and there in his own defense.

Congressional investigations which delve into matters of personal conduct assume the aspects of a trial and thus abridge the rights of individuals, guaranteed by the Constitution. And there have been cases in which, as a result of the publicity of committee hearings, witnesses have been exposed to such penalties as dismissal from their jobs, loss of pension payments, character assassinations and injury to their reputations.

The practices of investigating committees thus are without proper standards. Persons are now subpoenaed before such committees and afforded no right to counsel. Although they often are subjected to the most searching cross-examination themselves, they

are denied the right to cross-examine those who testify against them. If they are so-called hostile witnesses, they often are not even accorded the right to make a statement—prepared or otherwise; and if the behavior of the witness is such as not to please the committee or some of its members, he can be summarily punished.

Some committee members seemingly have viewed the committee as a final court of justice sitting in judgment on the conduct of individuals appearing before the committee. Thus they usurp the judicial function. On the other hand, committee members can and do slander witnesses with impunity, secure in the knowledge that there can be no retaliation in court.

In such an inquiry there is no assumption that the individual is innocent until proved guilty. There are none of the safeguards of a trial to which, by the Constitution and the law, each man is entitled. Instead, there is a type of trial by public opinion, a pillorying of individuals not accused of crimes—of individuals only suspected of being engaged in or knowing something about some improper activity. And the rules are the same whether the witness is innocent or guilty.

Elmer Davis has trenchantly written on the subject of double jeopardy and exposure:

The Founding Fathers wrote it in the Bill of Rights that no person shall be subject, for the same offense, to be twice put in jeopardy of life or limb—and thought that they had taken care of that. If a man was acquitted in court, that ended it. They did not foresee that congressional committees would take over a considerable part of the judicial process, and would hold that they are not bound by the limitation which the Constitution imposes on judicial agencies. Technically this contention is no doubt correct, since a hearing before a congressional committee does not put a man in jeopardy of life or limb. The only penalty he can suffer, ordinarily, from congressional condemnation, unless he is foolish enough to perjure himself, is the loss of his reputation and standing in the community—a deprivation which the average

senator or representative seems to regard as trivial, at least when it happens to somebody else. The victim may also of course suffer the loss of an opportunity to make a living, at any occupation that he knows; but the Constitution says nothing about that.

In any case, Congress seems to have established the principle that no man is ever acquitted, so long as a single influential member of either House is out to get him. If a committee—or three or four committees—have investigated him and found him innocent, that only means that they keep on setting up hearings before other committees, until they have found one that will pronounce him guilty. Double jeopardy has been ruled out in the courts; but before Congress any man may be in multiple and perpetual jeopardy for the same offense, actual or only unconvincingly alleged.

Even if the Committee's procedures were tested by the standards which it insists are appropriate—those of a legislative investigating committee—they would earn very poor marks for fairness. Indeed, HUAC's conduct of the hearing flouts the essential precondition of fairness—equality of treatment.

The Committee treats friendly and unfriendly witnesses in sharply contrasting ways. The friendly witness is greeted with warmth and respect. He is encouraged to testify at length and the Committee is gratified to hear his opinion on every subject. He is assisted in his testimony by a series of leading questions. He is invited to make charges and cast aspersions on others. His answers to questions may be rambling irrelevant or stupid—but they are always welcomed and lavishly praised.

In the 1953 hearing of Reverend Jack R. McMichael, the Committee left no stone unturned in its brutal drive to ruin him. It refused to permit him to explain his answers, put words in his mouth, and used highly questionable evidence against him. But it showed an extraordinary tenderness toward Reverend McMichael's accusers, a husband and wife team of FBI agents.

Mrs. Edmiston: Sir, may I point out——

Mr. Velde: I am sorry, Mrs. Edmiston; there is no question pending.

Mrs. Edmiston: Oh.

Mr. Velde: Not because we don't want to hear what you have to say——

Mr. Scherer: May I ask a question?

Mr. Velde: but because of the regular rules——

Mr. Scherer: May I ask a question?

Mr. Velde: Yes.

Mr. Scherer: What were you going to say, Mrs. Edmiston?

Mrs. Edmiston then explained that in her and her husband's present testimony, their affidavit and their previous testimony before the Committee in 1950, they could not "say that we sat with Mr. McMichael in any closed Communist meeting where party action was taken, nor were we put on assignment with him by a party superior as a Communist Party member, nor was he identified to us as a Communist Party member, . . . but our question then—and it has been to the groups of people we have talked to since—is: Who is doing the most damage, the Communist Party member who rolls the poison pill or the person, who, under the guise of religion, shoves it down our throats?"

After this volunteered testimony she apologized disarmingly: "I'm sorry—it's a bit of editorializing there."

The unfriendly witness, on the other hand, is stringently limited in his answers to the precise information sought. If he tries to defend himself, he is invariably charged with "making a speech" or "using the hearing as a forum." Of course, Arens, the friendly witness, and the Committee members make speeches and use the hearing as a forum to destroy the witness from the moment the hearing begins to its close. But that is another matter.

The unfriendly witness is compelled to give a yes or no answer to questions which cannot be answered in this fashion. He is forced to sit in silence while the Committee members abuse him; when he tries to defend himself, he is told, "There is no question pending." The prepared script by which the hearing is conducted contains no lines for him except those of collaboration in his own exposure. If he manages to smuggle into the record some statement in his defense, he is hurriedly cut off. A favorite technique is to blackmail the witness into silence with the threat that persistence will result in unleashing Arens. In the 1959 Chicago hearings, a witness was falsely accused of Communist Party membership. After receiving the right to make

a statement at the conclusion of his examination, he was cut off with this comment by Congressman Willis: "I would not enter that field if I were you. It will not do you any good and counsel will perhaps have to re-examine you, and if I were you I would not pursue that." And often, when adverse testimony does get a chance to be stated, it may simply disappear from the printed record.

The Committee has never troubled to justify its double procedural standard. In fact, it complains that it is limited by procedural requirements "which when formulated were meant to apply only to law-abiding citizens of this country." The Committee regards procedural protections as something to be granted or withheld at its own discretion. As Chairman Thomas put it, "The rights you have are the rights given you by this Committee. We will determine what rights you have and what rights you have not got before the Committee." The Committee regards it as only fair for it to promise the witness protection on condition that he cooperate. As HUAC once soothingly put it, "This Committee has no desire to persecute anyone, certainly not those who see fit to cooperate with the Committee." A witness who refuses to cooperate and still insists on such protections as the right of cross-examination is merely using the "Commie line." HUAC is hardly troubled by the fact that only uncooperative witnesses need protection.

Each witness receives a copy of the Committee's rules. The Committee regularly flaunts them as though they were a Magna Carta for the witness. Actually they are framed and interpreted to make things as easy as possible to carry on the exposure operation. They, too, are a deception.

There are 17 rules. Of these only four (advice of counsel, executive hearings, statement by witness and relationship of husband and wife) have any meaningful significance. But the Committee treats them all, not as protections of the witness, but as a means of harassing him.

Rule IX permits the witness to file a statement with the Committee, provided it is in writing and submitted 24 hours in advance. This is supposed to substitute for any oral comment the witness may care to make in his own defense at the hearing. Usually, even when a written statement is filed by an unfriendly witness, the Committee rejects it as an attack on the Committee. Sometimes it promises to incorporate a statement in the record if the witness will be cooperative. It has, on occasion, withdrawn previously

granted permission to read a statement because the witness' testimony was too uncooperative. Of course if the witness cooperates from the outset, he can file any statement he pleases.

Mr. Pressman: I believe my statement, which will be very brief, will answer the question, as well as indicate precisely what my position will be before the Committee today.

Mr. Wood: Then will you be prepared to answer questions asked you?

Mr. Pressman: That is correct.

Mr. Wood: Proceed.

Like every "right" given a witness, the right to file a statement is merely another device to help his exposure. Congressman Scherer startled his colleagues and the witness at a hearing in Detroit in 1956 by moving for admission into the record of a statement filed by a witness who had declined to answer certain questions on Fifth Amendment grounds.

Mr. Scherer: Now, madam, you can't possibly refuse to answer that question on any constitutional grounds.

At your insistence, this statement of yours has been admitted to the record. And you tell us in here that you are under an order of deportation and a lot of other things.

Now I have a right then to certainly ask you with reference to statements you have voluntarily submitted to this Committee. And if you refuse to answer those questions of mine on any grounds, I assure you that you are in contempt of this Committee. And I, for one, will recommend and move that the Committee cite you for contempt of the Congress because it is obvious you are in contempt.

Rule VII gives the witness the right to counsel. But—and it is a very large "but"—counsel can only advise his client and cannot speak for him. Counsel cannot address the Committee directly or try to persuade it that it is proceeding improperly against his client. The only lawyer the

Committee likes is a silent lawyer. The impact of this limitation is nightmarish. When his client is abused and vilified by the Committee, the attorney is gagged. An attorney seeks to protest Arens' rudeness to his client: "Mr. Chairman I ask that counsel be admonished to exhibit courtesy to the witness."

Mr. Arens: I suggest counsel be admonished that if we have one more outburst he will be forcibly ejected from this room. . . .

Counsel was ejected.

The frustrations which beset counsel in a hearing are well illustrated in the following colloquy:

Mrs. Hart: May I make a statement on behalf of the witness?

Mr. Doyle: No; I am sorry.

Mrs. Hart: If the court please——

Mr. Arens: Your sole and specific prerogative under the rules of the Committee is to advise the witness.

Mrs. Hart: I can speak almost as loud as you can. I know what the rules are.

Mr. Arens: You know you are in violation of the rules of the Committee when you address the Chairman of the Committee except to——

Mrs. Hart: This is still the United States of America. I am going to ask the Chairman if I may address the Chairman. If he says "No," I won't.

Mr. Doyle: Counsel, we do not permit counsel to get into discussion and get into argument with the Committee. I read the rules, and insist on all counsel complying with the rule of the Committee which limits you to talk to your client and not to the Committee.

Mrs. Hart: That makes it very difficult, Mr. Chairman.

Mr. Doyle: We are both lawyers, and we realize that you have the privilege to address your client on constitutional rights. We are glad to have you here for that purpose.

Mrs. Hart: I am here as a matter of right, not as a matter of privilege, Mr. Chairman.

Mr. Scherer: No, you are here on a matter of privilege.

The Committee tries in every way to strip the right to counsel of all effectiveness. A witness who appears without counsel is praised for having "come here without benefit of counsel to whisper in his ear the answers that he should give to the Committee. I think it is very commendable." The Committee has each consultation with an attorney noted in the record. These notations do not contribute to the Committee's store of information and are only made to discredit answers given after such consultation.

The Committee will count the number of times the witness consults with counsel and impatiently tell the witness that he doesn't need advice. A witness who answers after consultation is frequently charged with being coached—especially if the answer is unwelcome to the Committee.

Your counsel has just told you that. Now I ask you is your answer you just gave the result of your conference with counsel? Or is it your own independent opinion?

Witnesses are asked, "What did your counsel advise you?" "I want to find out whether your lawyer told you that the Chairman's question was pertinent." "Did your lawyer tell you that the Chairman's question was pertinent or not pertinent?"

When counsel objects to the charge that he is coaching witness, he is admonished that he is forbidden to address the Committee and that "one more outburst like that" will result in his forcible ejection from the room.

The Committee has inevitably turned the exposure weapon against those lawyers who have fought hardest to protect their clients from its efforts. In February of 1960, the Committee issued a report, *Communist Legal Subversion*, charging an "elite corps" of "Communist lawyers" with everything from misbehavior before the Committee to espionage. This report followed an earlier charge by Congressman Walter that certain lawyers were a part of a subversive plot to persuade their clients not to cooperate with the Committee.

In the 1956 Youngstown hearings, Stephan Young (now Senator and formerly a member of the House) represented a witness who was denounced by Congressman Velde as "a very dangerous character." He added, "I am very sorry

that the witness happened to be represented by a former colleague of ours. . . ." Young snapped back that ". . . all persons accused have a right to be represented by counsel. . . . I repudiate any assertion attacking my Americanism and my patriotism."

In a great many hearings the witness is asked whether the Communist Party supplied his lawyer: "How did you contact your counsel?" "How long have you known your counsel?" "Do you know your counsel in any capacity other than the capacity of attorney and client?" "Tell us all the capacities you have known him in since the first capacity in which you knew him." "Do you or have you ever known your attorney as a Communist?"

In the 1956 Youngstown hearings, the Committee, without any information to support its questions, tried to make it appear that there was a subversive relationship between counsel and client by asking the witness: "Was your counsel assigned to you by persons known by you to be members of the Communist Party?" When the witness pleaded the Fifth Amendment, Mr. Velde—apparently embarrassed by the questioning—hastened to add that these questions by Arens in no way implied criticism of counsel. But Arens wasn't so sure:

There has been no suggestion on the part of the Committee that we have any information respecting the activities of counsel. But it certainly, it seems to me, would raise a query in the minds of any listener to this testimony for counsel to sit by a witness and permit her or advise her . . . to invoke the Fifth Amendment with reference to any relationship she may have had with counsel.

According to Arens, counsel should have drawn an inference of his own guilt from his client's plea of the Fifth Amendment and interrupted her testimony to "protect himself from this inference," even though there is no evidence that the lawyer advised the client to plead the privilege in response to this question. This is outrageous. No inference of guilt can properly be drawn from the Fifth Amendment plea: if counsel had intervened to prevent the plea, he could have discredited his client's use of the plea in response to other questions. Besides, he would have been rebuked by the Committee for coaching the witness. And,

of course, if he had remonstrated against Arens' attack, he would have been rebuked for violating the rules and "making a speech." It is hardly surprising that this incident led the Civil Liberties Committee of the Cuyahoga Bar Association unanimously to recommend the censure of both Velde and Arens.

In the same Youngstown hearings, a lawyer briefly objected when his client was asked whether she had ever "served the Communist Party with him." Arens answered, "Counsel will have an opportunity to be sworn in a little while. We want you to be just as vociferous, to be just as fluid, and talk just as forthrightly in a few moments when you are under oath as you do now when you are not under oath." Counsel was then called to the stand and asked whether the client who had just testified was a Communist and whether his representation of this and other clients was at the direction of the Communist Party.

In the 1956 Los Angeles hearings, Arens' lawyer-baiting reached its climax. His tactics were censured in a historic statement of condemnation by the California State Bar in March 1957. The bar's board of governors concluded after reading the transcript and hearing the tapes of the sessions that "the proceedings of the Committee and the conduct of the Committee's counsel" were "improper" and lacking in "dignity and impartiality"; that they were characterized by "grossly offensive" tactics "directed at counsel for witnesses" and that they posed a threat to the right to counsel and the independence of the bar. The board of governors pointed out that lawyers were gagged and repeatedly told that they could not address the Committee. Arens was singled out for asking several witnesses whether they knew as a Communist one of the lawyers, despite the fact that the Committee had not intended to call or interrogate him. Arens, the statement points out, interrupted a witness in order to inject testimony of an informer to the effect that he knew the lawyer for another witness as a Communist. He thereafter referred to this lawyer as "Comrade." The governors also censured the bodily ejection of four lawyers from the hearing room, solely because they tried to protect their clients by appropriate objections.

Another witness protection which, like the right to counsel, is handled by the Committee in strange ways is the executive session. Such sessions of Congressional committees, where witnesses are sworn and a record made in

private for the use only of the committee, is essential in situations where damage may be done to the reputation of the witness and others. Since the Committee wants to damage the reputation of its witnesses, the reader may well be puzzled as to how this protection of the witness against the public invasion of his privacy fits into the exposure system.

The Committee's executive session is really a parody of the conventional legislative executive session ingeniously adapted to the Committee's main task of destroying the unfriendly witness. Thus, the executive session is used to coach and rehearse the friendly witness and to shape his testimony for the most headlines. It is also a means of determining in advance whether a witness will be unfriendly, and which questions he will answer and which he will not, thus offering the Committee an opportunity to ask the most damaging questions in open session. Since, as we have seen, the Committee likes to expose the witness by asking "loaded" questions which it knows he will not answer, a dry run is useful. Similarly, the private session is a means of accumulating a reservoir of testimony so that the Committee can draft a script for the public hearing—sequence of witnesses, confrontation, etc.—for a maximum total impact.

Witnesses who fear public exposure and loss of jobs sometimes apply to the Committee for an executive session. These requests are usually denied unless the witness agrees to name names, or unless the Committee's exposure purposes will be better served by privacy. The Committee feels that the individual who seeks the cooperation of the Committee must himself cooperate. Indeed, the Committee has a standing offer to hear a witness in executive session if he will give it names. There are attorneys who specialize in arranging such sessions; Congressmen also collaborate with the Committee thus to ease the burden of subpoenaed constituents.

HUAC's explanation of this interpretation of its rule is revealing in its simplicity. Rule IV-A provides that a majority may grant an executive session if it believes that a public hearing of the witness might "unjustly injure his reputation. . . ." The Committee does not think that to expose publicly an individual identified as a Communist who refuses to inform is an "unjust" injury to his reputation.

But the inducement to name names in executive session

on the premise that the named individual will thus be spared exposure is deceptive to the witness. Those whom he names are not only subpoenaed; the testimony of their accuser is quoted and the accuser himself identified by name when they are exposed. After the event, the witness frequently realizes in bitterness and humiliation that the executive session was used to gull him into betrayal and injury of others.

The executive session also permits the friendly witness to shield those whose political involvement does not, in his view, warrant exposure:

Mr. Arens: Do you have other names that you want to give the Committee in executive session?

Witness: Yes. There are names of several people that I know beyond a shadow of a doubt to have turned against the Party. Many of them entered the Party at my urging and I feel sort of personally responsible for them. I know them to be anti-Party and to have nothing to do with it in any way, shape or form, and I would not want to mention their names in a public hearing.

The same witness referred to students in classes that he taught, whom he influenced to join the Party, as "mixed up and confused." Arens asked, "Are you going to give the Committee the names of those students in executive session?" The witness agrees, "I would never want to mention names like that in open session where they could be kicked around. I think they had better all live it down and forget about it."

HUAC cannot afford to acknowledge that the fear of exposure or the shame of informing drives witnesses into executive session. It has devised the fiction that political coercion or fear of Red vengeance compels the witness to refuse to cooperate. In its view the executive session is a sort of sanctuary which protects the witness from subversive pressures against cooperating. Having helped the witness thwart the Reds, its responsibilities are ended.

As a routine matter, HUAC leaks executive-session testimony to the press as well as to interested individuals who may help in the exposure process. Of this practice an American Bar Association Committee has said, "The most insidious misuse of the executive session has been to take

testimony in private and thus elicit matters which the witness might only have been willing to disclose there, followed by the leaking of this supposedly secret testimony to the press." These leaks frequently misrepresent what actually took place in the executive session, but there is no way of checking the Committee's version of what occurred against the record until long after the Committee's version is released. In some instances the Committee holds up release of executive-session testimony for years.

But it must not be thought that the hostile executive-session witness is exposed only by publication of his private testimony. When the Committee learns in executive session that the witness will refuse to answer questions, it promptly summons him to a public session for a repeat performance. If he remonstrates against this exposure maneuver, he is overruled on the incomprehensible ground that "the executive session was taken as a matter of protection to the witness." When the witness declines to answer "on the same grounds relied upon in answers in executive session," he is directed to spell out his grounds.

The executive session is also used as an aid in the investigative process—almost precisely like a police inquiry into the commission of a crime. For example, in 1957 and 1958 the Committee questioned 13 former Government employees in executive session regarding their alleged involvement in a spy ring. No evidence was turned up, but the Committee nevertheless released and printed the testimony.

The Committee rules erect another dubiously protective bulwark: the confidential relationship of husband and wife is to be respected and "one spouse shall not be asked about the activities of another." This is based, the Committee piously tells us, on "reasons of public policy." But the Committee does ask one spouse about another. (Your husband was convicted for violating the Smith Act?) When the witness protests against this, the Committee points to a clause which cancels this rule "when a majority . . . shall determine otherwise." How fragile are "reasons of public policy"!

Even the protections which the Supreme Court has granted to the witness are used to expose him. The court ruled in the *Watkins* case that a witness who was in the

dark about the purpose of the hearing or the pertinence of the question had a right to be enlightened by the Committee. When a witness seeks enlightenment, he is assaulted by one of Mr. Arens' highly prejudicial explanations, freighted with seditious rhetoric to stoke the exposure fires.

The short of the matter is that the most meaningful procedural protections (notice of charges, confrontation, cross-examination) are withheld from the witness. Even the puny concessions that are formally granted him are turned against him.

It is quite true that Congressional investigating procedure is generally not lavish in its concern for the witness and his rights.

But where the probe is of a hostile character, the witness is sometimes granted the rights of confrontation and cross-examination and is frequently permitted to submit written interrogations to the examiner. In addition, the bona fide investigation is held in check by the minority members of the probe. A subpoenaed witness can try to blunt the attack through the intercession of a sympathetic Congressman or Senator. If the investigator unduly harasses the witness, the press may attack; public sympathy for the victim may defeat the ends of the investigation.

But none of these restraints moderate the assault on HUAC's victims. The hostility to the witness is bi-partisan. No Congressman or Senator could be induced to shield the unfriendly witness. The Committee's procedural barbarism is largely unchallenged by the press and while there is much public criticism of its abuses, this hardly matches in volume the chorus of support.

The most important difference in the treatment of witnesses between a bona fide investigation and HUAC's is, of course, the exposure system. An ordinary probe is disciplined by the needs of the legislative process, but HUAC wields its powers with fanatic zeal against the witness in complete disregard of the legislative process and its needs.

The logic of the exposure system leaves no room for procedural fairness. It simply does not make sense to the Committee to grant the witness, whom it is trying so hard to ruin, the opportunity to defend himself and thus to spoil everything. They must unremittingly show its hostility to the witness. A fair hearing would confuse the community and possibly enable the witness to prevent hostile local action against him.

7 FRIENDLY HEROES AND UNFRIENDLY VILLAINS

The long train of HUAC hearings when reviewed retrospectively give the flavor of a hardy theatrical vehicle—a plot simple but rousing, a dauntless hero (the friendly witness), and a stock villain (unfriendly witness) at whom the fanatically loyal audience can always be counted on to hiss when properly aroused. There is even a *claque* to stir things up a bit when they get too dull. True, the performances tend to lose their freshness with the passing years and require more and more “business” and “gags” to stimulate excitement. But where in all the history of parliamentary government can one find a run to match it?

It is time to go backstage to meet the principals and to learn about the mechanics of this extraordinary dramatic production.

A Voice: The friendly witness has a few names he hasn't put in.

Second Voice: Why don't you tell him to put them in executive session and give him a trip to Washington?

The first voice in this exchange is that of Committee member Edwin A. Willis. The second is that of Committee member Gordon Scherer. Both voices were picked up by tape-recorder microphones of Station KPFA of Berkeley, California, on Saturday, May 14, 1960, at the conclusion of the Committee hearings in San Francisco which gave rise to student demonstrations. “The friendly witness” was Karl Prussion, an FBI informer planted in the Communist ranks who had, in the course of the three-day session, named 40 individuals as Communists or former Communists.

A grateful Committee did not let Prussion down. He got his “trip to Washington,” where he shook the last few apples from the top branches of the tree. This testimony,

with its additional harvest of names, was duly released along with the record of the earlier hearings.

A trip to Washington is a small price for the Committee to pay for a list of names. The Committee's capacity to function depends on the availability of names—the raw material of the exposure process.

A witness may be "friendly" and offer the Committee no factual information at all; he may be unfriendly and still offer a storehouse of information. The test of a witness' friendliness is his readiness (1) to answer the question, "Are you now or have you ever been a member of the Communist Party?"—enshrined in the jurisprudence of exposure as the "\$64 question"—and (2) to act as an informer by naming others. If the witness is willing to admit present or former membership in the Communist Party but to go no further, he cannot escape the Committee's disapproval (and contempt citation) as an unfriendly witness. There are a few witnesses who answer the "\$64 question" in the negative and are therefore not asked the second question, and there are some who are asked only about their membership in organizations suspected of being "fronts."

Friendliness and unfriendliness are descriptions not merely of testimonial behavior, but of loyalty. A friendly witness is a hero whose patriotism is certified by his cooperativeness; an unfriendly witness has the status of a subversive—until he becomes friendly.

There are two kinds of friendly witnesses; the paid undercover agent who has been planted by the FBI in the Communist ranks, and the ex-Communist—the defector or renegade. HUAC's primary target is suspected concealed Communists or ex-Communists. Informers are needed to "ferret them out," to use a favorite term of the Committee. The Committee hearing is an engine which is powered by a fuel blended of betrayal and revenge.

The typical prehearing staff work consists of conferences with the friendly witnesses to check the list of names. The names are examined not merely to determine which ones are to be subpoenaed as unfriendly witnesses; the informer may also know of possible friendly witnesses on the list: the inactive, the disillusioned, the doubting. The likely prospects are interviewed. If they talk, new names are placed

on the friendly list and new prospects added, to be caressed or coerced into friendliness.

Certain names are selected from the lists to be subpoenaed; the rest will be named at the hearing and saved up for future subpoenas. For example, of the 40 San Francisco Bay area residents named by Mr. Prussion, only six were subpoenaed. The others—according to both Prussion and the Committee—will be subpoenaed on the Committee's next (already promised) trip to San Francisco.

A witness may sit on the fence at the time the subpoena is served, but the continuing pressure of the subpoena—the fear and the anxiety which it creates—sometimes brings him into line. Quite frequently the subpoenas are announced in advance and employment discharges result or are threatened. The victim may run to the Committee's door in order to square himself with his employer.

The friendly sheep are not wholly separated from the unfriendly goats until the hearing is over. There may be a straggler, a witness who has previously withheld his cooperation or been marked down by the staff as a recalcitrant who cracks at the hearing and turns friendly.

But surprises are extraordinarily rare. The Committee almost always knows in advance which witnesses will be friendly. Besides, the Committee's subpoena invites the witness to get in touch with HUAC's staff director (his telephone number is printed on the subpoena) if he desires to cooperate. Indeed, Chairman Walter has admitted that the Committee knows that a witness will be unfriendly by the identity of the lawyers representing him. The acid test of friendliness is an appearance without a lawyer; a great many friendly witnesses have no counsel.

The Committee's staff could, of course, interview the presumptively unfriendly witnesses and save time. A bona fide investigating committee might have doubts about calling witnesses knowing that they would not be helpful. But HUAC cherishes them; they are precisely the ones who must be exposed.

The HUAC practice of deliberately calling silent witnesses is built into the exposure system. At every hearing, there are many more unfriendly witnesses than friendly ones. In the 84th Congress (1955-1956), the Committee called a total of 529 witnesses. Of these, 464 were unfriendly and gave the Committee no information. The remainder were either Government officials (15), former

FBI agents (22), or persons who had left the Communist Party (28). In the 85th Congress (1957-1958), of a total of 402 witnesses, 331 were unfriendly, silent witnesses. The friendly witnesses included 11 former undercover agents and 18 ex-Communists.

The quantitative preponderance of the silent witnesses is apparent from almost every hearing. In the Committee's 1958 Atlanta hearings, there were 16 witnesses (not counting the Governor of Georgia, who welcomed the Committee). Of these 16, 13 refused to give the Committee any information. The three remaining witnesses were a former FBI agent, a customs official and a Hungarian refugee.

In September 1956, the Committee held hearings for three days in New Haven and made a record of almost 200 printed pages. It heard from 16 witnesses. Of these only four were friendly witnesses; two of these witnesses—Worden C. Mosher and Harold Mosher, a father-and-son team—were FBI plants; the other two, Harold Kent and Rowena Paumi, were ex-Communists who rejoined the Party at the request of the FBI. The four friendly witnesses testified for about 25 pages, for the most part identifying their former associates. The remaining seven-eighths of the record consists of a familiar pattern of refusals to testify, and extended efforts by the Committee to put the witness in a bad light.

Undaunted by its earlier frustrations, the Committee returned to New Haven for another two days of hearings in February 1957. This time it heard from nine witnesses. One of them who had been identified as a Communist by Miss Paumi, a star witness in the earlier session, denied Party membership. Another witness, a committee investigator, testified as to certain technical matters. The remaining seven witnesses gave the Committee no information. One of these seven had been called in the earlier New Haven session and had refused to talk.

On November 16 and 17, 1959, the Committee held hearings in New York City on the subject of Communist activities among Puerto Ricans. It compiled a record of almost 100 printed pages, consisting of the contributions of 16 witnesses, of whom three were friendly: a State Department interpreter, a customs official, and an undercover agent for the New York City Police Department Red squad, Detective Mildred Blauvelt. The remaining "testimony," 67 pages long, is the usual composite of long

prejudicial questions by the Committee and refusals to answer.

With unslaked thirst, the Committee renewed its hearings the next day, November 18, 1960, in San Juan, Puerto Rico. It opened its show with no less than three customs officials, who testified about the dissemination of Spanish-language subversive propaganda. During the rest of the three-day session it heard from 17 more witnesses. Of these, three were friendly: Detective Blauvelt, a staff investigator, and the United States Marshal who had served the Committee's subpoenas. The remaining 14 witnesses gave the Committee no information.

The value of the friendly witness to the Committee is measured by the number of names he can put on the hearing record. In 1950, Matthew Cvetic and Mary Markward, former FBI agents, blazed a trail when they identified hundreds of Party members and their wives. In 1951, screen-writer Martin Berkeley scored a record which still stands, for Hollywood, when he named 162 names.

In 1953, when an ex-Communist newspaperman on the West Coast named over 200 former associates, Representative Donald L. Jackson—an expert in these matters—hailed it “as one of the choicest crops of names the Committee has ever received.” Friendly witnesses, especially the paid agents, rate their testimonial importance and effectiveness by their production of names. Even though the day of the testimonial giants—like Harvy Matusow (216), Mary Stalcup Markward (318), Matthew Cvetic (411), William Ward Kimple (1000)—is vanishing, still some friendly witnesses come forward with thickets of names which make their memories, at least, remarkable. One of the most friendly of the recent HUCA witnesses, Barbara Hartle, who was convicted under the Smith Act and recanted while serving her sentence, has ascended to the 400-name ranks.

In four days of testimony in 1955, Detective Mildred Blauvelt posted a score of 450 names. A more recent (1959) Committee star witness, Armand Penha, has achieved what seems to be the acme of friendliness. According to an interview with Penha which appeared in the *Providence Sunday Journal* for March 20, 1960, “By his own count, he named 482 persons as Communists.”

The availability of a list of names is a precondition of holding a hearing. The pattern of the hearings in any particular area simply mirrors the emergence of new identifying witnesses with a fresh stock of names for that area.

In 1954, Barbara Hartle, the recanted Communist already referred to, provided the Committee with the sinews of a ten-part, 200-page hearing on "Communist Activities in the Pacific Northwest." The very next year the Committee held another lengthy hearing in the same area, not because it found new problems, but only because a previously unfriendly witness had become enthusiastically friendly. In December 1956, the Committee returned to Seattle for a third time and the exposure machinery was once again oiled by Miss Hartle.

Miss Hartle belongs to a small group of chronic witnesses who appear again and again on the HUAC witness stand. She has already testified four times. John Lautner has testified many times, as have Matthew Cvetic and the late Detective Mildred Blauvelt of New York City's Red squad. The chronic witnesses (Elmer Davis called them "six-shot repeating witnesses") are valuable to the Committee not only because of their remarkable memories. They have had long experience in the Communist movement and are more at home with theoretical concepts than the run-of-the-mill ex-Communist or FBI agent.

The potency of informers in triggering Committee hearings is well illustrated by a series of area hearings held by the Committee in 1956. After the Smith Act prosecutions of the fifties had "surfaced" a large number of FBI agents as witnesses, the Committee recruited them to give virtually the same testimony in a round of hearings in the same cities where the prosecutions had taken place. The new hearings were made necessary, the Committee explained, because the witnesses had names which were excluded by the rules of evidence from the earlier prosecutions. In other words, they would give information to the Committee which would not be permissible in the trial proceedings.

The Committee thus held hearings in St. Louis in 1956 because a group of FBI undercover agents, who had "surfaced" in 1954 to testify in a Smith Act trial, supplied it with hundreds of names.

There are undercover agents who have never publicly revealed their identity in a legal proceeding or in any other

way. These men are turned over by the FBI to the Committee and surface as Committee witnesses. They are particularly desirable witnesses since they have never been sullied by cross-examination, nor is the image of their patriotism clouded by prior disclosures of their earnings in undercover work. Besides, the triumphant announcement by such witness that "only last night" he met with the unfriendly witnesses adds a bit of derring-do to the proceedings and is good for a headline.

Usually an appearance as a friendly witness ends the FBI agent's usefulness (and income). But there are consolations. After Armand Penha had made his testimonial debut for the Committee, he was put on the Committee payroll for "perhaps a year or so," according to the Committee.

The Committee explained that Penha had been engaged to assemble his notes. Other friendly witnesses have benefited from this kind of largesse. In 1957 and 1958, John Lautner, a friendly witness who had been expelled from the Communist Party in 1950, was retained as a consultant to the Committee. Elizabeth Bentley also had a berth on the payroll for a while.

Legislative investigations are *ad hoc* and discontinuous, the exception and not the rule. The Rivers and Harbors, or the Education and Labor Committees do not launch investigations without a substantial public need. And the need arises quite rarely. But HUAC's hunt for witnesses to expose is not occasional or sporadic—it is regular and continuous.

Indeed, the Committee *must*, at frequent intervals, exercise its investigative powers. This operational continuity is vital because politics are dynamic; the challenge of new ideas is never-ending and must be met sharply and promptly. The Committee must find *someone* to subpoena and expose because its activity—in no matter what particular area—is intended to serve a generally repressive purpose. In short, this is a beat which the cop can never leave.

Besides, the Committee has become the leader and coordinator of the ultrarightist forces in the Nation. A slackening in the exposure process might weaken these forces. The dynamics of its leadership role thus require that it exercise

continuing pressure against movements of protest, of difference, or of opposition—otherwise it loses its effectiveness altogether. The Committee is an active power or it is nothing. The Committee regularly justifies its existence by the claim that the country is crawling with subversives. A retreat from exposure might well be suicidal—a confession that the need for the Committee's existence has ended. The Committee must expose or die.

To keep going as a tribunal of exposure, the Committee exercises its powers in a curiously exhaustive way. With *cherchez les noms* as its battle cry, the Committee summons housewives, preachers, butchers, bakers and candlestick makers. The Committee thinks nothing of traveling to Charlotte, New Haven, Chicago or Buffalo, putting a witness on the stand suspected of Party membership long ago, asking him one question and then dismissing him. *Everyone* suspected by the Committee must be exposed. This is the technique of a criminal court; for example, the New York Court of General Sessions tries and punishes every offender found guilty—not just some. Law enforcement deals with every "case"; but bona fide Congressional investigations deal only with examples of a problem or abuse. The responsibilities of Congress are too broad and its staff too limited to permit microscopic scrutiny of a field.

The inescapable fact is that the Committee makes more sense as a kind of criminal court than it does as a legislative investigating committee. Like a court, it operates directly and with finality upon individuals. It has the institutional homogeneity of a court; it has exercised its power in the same way under Republican (Thomas and Velde) and Democratic (Wood and Walter) leadership. It thinks of itself as a continuing institution; as early as 1949 it informed Congress that "its work is part of an 11-year continuity of effort . . . at no time in those 11 years has it ever wavered from a relentless pursuit and exposure of the Communist fifth column." Only recently, in the course of a hearing, the Committee took occasion to comment with satisfaction upon the fact that it was exposing the now grownup children of individuals who had been exposed in the forties and subsequently jailed and blacklisted.

The imperative need to maintain continuity forces the Committee to recall already exposed unfriendly witnesses. The practice has become increasingly common. Leon

Beverly and Francis W. McBain, two trade unionists, were called in 1952 and recalled in 1957; Elliott Sullivan, an actor, was called twice in a two-week period in the summer of 1955 and asked the same exposure questions. Hunter Pitts Odell testified as an unfriendly witness at the New Orleans hearing in 1958 and again at the Youth Festival hearings in 1960. In the 1957 Baltimore hearings, the Committee called nine witnesses who had previously been unfriendly in a 1951 hearing.

The Committee's name hunt drives it further and further into the past—when the Party's membership was far more numerous than it is today. The Committee is indifferent to how old or rusty its victims' ties with the Party might be. Although a man's past politics are a treacherous guide to his present views, for the Committee the more things change politically, the more they remain the same investigatively. The political enthusiasms of one's youth, even though long since revised or abandoned, may result not merely in one Committee appearance but in periodic appearances. To the Committee the passage of time is simply irrelevant; it lives in an eternal springtime in which a condemned association of today or 20 years ago is viewed with equal and unfading hostility. Similarly, an organization may be dead or defunct, but to the Committee it is timelessly sinister. In the world of the Committee, subversion is chronic, incurable and cumulative.

When HUAC's exposure effort is blocked by the witness' denials or a lack of available current material, it dons its deer-stalker and sniffs through his past with its trusty dossier at its side, to confront him with the political transgressions of his beardless youth. In 1953, HUAC exposed a number of revered religious leaders on the basis of activities which had occurred 30 years earlier. When Bishop Oxnam was interrogated in the same year, his associations as a theological student were exhumed to demonstrate how subversive he was. In the 1954 Dayton hearing, a witness was summoned from his teaching job in a Southern university to be asked whether he had taken an automobile trip to an American Youth Congress meeting in 1941. In the 1958 New England hearings, a witness who had denied Communist Party membership for a period of five years preceding his appearance was then asked: "Were you a member of the Communist Party five and a half years ago?" "Were you a member of the Communist Party Jan-

uary of 1953?" "Were you a member of the Communist Party February of 1953?" "After which date can you assert, while you are under oath, that you were not a member of the Communist Party?"

The only evidence which the Committee produced to justify this interrogation was a claim that the witness had signed Communist nominating petitions in the late thirties and early forties.

After it has exposed the witness by ventilating his remote political past, the Committee does not let matters rest. Years later it may issue a report rehashing the earlier stale material. This technique of freshening up an exposure and shielding it from the ravages of time was used in a Committee report on *Communist Legal Subversion*. Issued in 1959, it charged that certain attorneys were "an elite corps within the Communist Fifth column on American soil." The *Denver Post*, in commenting on the irresponsibility of the report, noted:

Testimony regarding two of these lawyers was given in 1939, 20 years ago. Testimony on one was 19 years old; on one, 13 years old; on three, 11 years old; on two, 9 years old; on five, 8 years old; on twelve, 7 years old; on five, 6 years old; on one, 5 years old; on two, 4 years old; on one, 3 years old; and on four, 2 years old.

For HUAC the witness' past is simply a weapon in the struggle to perpetuate itself. It tirelessly beats the bushes for ex-Communists, depression radicals and antifascists of the thirties because—like the poor—there were so many of them. They swell the number of candidates for exposure. If they have joined any kind of meaningful social action group—non-Communist or anti-Communist, it does not matter—the Committee can use their participation to expose the organization as subversive. For every joiner there are thousands who hold off out of fear. When a man is not sure what association in his past will bring the United States Marshal to his door with a HUAC subpoena, he walks softly and shuns involvement in controversial matters.

In addition to the name-gathering methods already dis-

cussed, the Committee draws on administrative and court cases. It regularly subpoenas and exposes individuals who are involved in loyalty proceedings of one kind or another. In 1956, it subpoenaed passport applicants who were challenging the State Department's denial of passports on political grounds. In 1959, it subpoenaed a large group of foreign-born Americans who had successfully resisted efforts to deport them. In 1960, it called for an exposure hearing a number of applicants for renewal of radio licenses who were resisting an administrative loyalty test. It did the same thing to merchant seamen and marine radio operators who had attacked the Coast Guard's loyalty screening program. Government employees have been plucked out of loyalty proceedings for exposure hearings avowedly designed to ensure their dismissal. The fact that the Committee's actions might prejudice pending litigation furnished an added incentive for calling them. When a litigant wins a "political" case in court or before an administrative agency, the Committee frequently subpoenas him to prove that a miscarriage of justice occurred and that the court or administrative agency was soft on Communism.

It must not be thought that the Committee limits its exposure activities to suspected concealed Party members. The Committee constantly increases its reservoir of names by developing new chains of organizational kinship to the Communist Party parent stock. If a victim cannot be exposed as a member or former member of the Party, he can at least be exposed as a fellow traveler, an agent, a front, a dupe, a supporter of Communist causes, etc. When things get slack, the Committee is forced to call known Communists—such as Party functionaries. There is not much mileage in this; these witnesses cannot be hurt very much by exposure. Still, it is a reminder that the cop is on the beat.

It is no easy job to find new exposure victims; the pond has been fished pretty dry in the past decade. The number of undercover agents which the FBI can turn over to the Committee is obviously not unlimited, in view of the shrunken size of the Party. And the hope for defectors among current Party members is hardly promising: the Senate Internal Security Subcommittee has estimated that it takes three years for newly defected Party members to ripen into informers (ah, research!).

The Committee has always had trouble forcing ex-Communists to inform. The bulk of the ex-Communist friendly witnesses have been drawn from the entertainment field, which imposed the requirement of informing as a condition of clearance. The hearings resound with protests of American teachers, writers, artists and actors against the Committee's efforts to make them inform. One of the most moving is that of Dr. David Hawkins (Radiation Laboratory, 1950):

... I feel very deeply—and I am sure you will will agree with this proposition—there are certain fundamental relations of trust which tend to distinguish American society from other societies in this world today; and, unless this kind of question is to your knowledge directly or indirectly related to the subjects you are investigating, I would very much like not to be asked such a question.

If there is information of this sort that you would like to get, I would just ask whether there may not be more efficient and direct ways to get it, such as asking the question of the individual himself rather than of me.

Bernard Deutsch, a nuclear physicist, was sentenced to a jail term for contempt as a result of his refusal to inform. He asked the Committee, "I am perfectly willing to tell about my own activities, but do you feel I should trade my moral scruples by informing on someone else?" Deutsch explained in a press interview that he had joined the Party while a student at Cornell. "That part of my life was a period of experimentation and I don't feel that I should apologize for not being afraid to experiment." The coordinator of his Communist club was an FBI informer, Emanuel Ross Richardson, who drove students in his car to meetings at which he presided and then turned their names in to HUAC. He told the press, "I recognize the principle upon which Deutsch acted in refusing to name names. I think it has merit. I see a lot of merit in it." As to his own activities as an informer, he said, "Whenever you do that kind of work, you have some sort of qualms." He acknowledged that he sometimes had "regrets" about the morality of acting as a leader of Communists and then informing on them.

The demand that the witness who is ready to talk about himself name others as the price for escaping a contempt citation is a naked perversion of the investigative process. Congress has as little need to be informed of the names of the witness' associates as of the description and markings of each bird and beast in a census of vanishing wild life. No one has stated this more cogently than Congressman Walter before he became Chairman of HUAC. In the course of the interrogation of screen actor Larry Parks in 1951, he tried to support Parks' unwillingness to name names:

How can it be material to the purpose of this inquiry to have the names of people when we already know them? Aren't we actually, by insisting that this man testify as to names, overlooking the fact that we want to know what the organization did, what it hoped to accomplish, how it actually had or attempted to influence the thinking of the American people through the arts? So why is it so essential that we know the names of all the people when we have a witness who may make a contribution to what we are trying to learn?

When Congressman Walter became HUAC's Chairman, he invoked the same rationale in justifying a private clearance hearing at which screen-director Carl Foreman was not required to inform. See Chapter 11, "Blacklist and Clearance."

What about the demand that the unfriendly witness state his own political affiliation? The Supreme Court has held that an inquisition into the witness' politics is unconstitutional if its purpose is solely to establish that he is a Communist or ex-Communist. There must be some pressing reason, an unavoidable necessity for invading his constitutional rights, and this reason must be germane to legislation. In 1959, the Court upheld the contempt conviction of Lloyd Barenblatt for refusing, on First Amendment grounds to answer the "\$64 question." It recognized that the question invaded a constitutionally protected area, but ruled that the invasion was justified by the Committee's claim that it was necessary to find out whether Barenblatt had been a Communist in order to identify him as a

person who was in a position to supply information the Committee lacked. The "\$64 question" was merely what lawyers called a "preliminary" question to establish that the witness was qualified to testify about the matter under inquiry. If he had answered the question in the affirmative, the Committee claimed, it would then have asked him if the Party had taught and advocated the violent overthrow of the Government. Barenblatt's constitutional rights had to be subordinated to the national security. Barenblatt went to jail because a majority of the Justices of the Supreme Court were led to believe that his silence frustrated a vital concern of Congress: how to preserve the very existence of the Republic.

When an unfriendly witness demands a justification for the invasion of his constitutional rights, the Committee tells him (as it did in the 1960 San Francisco hearings) that "the reason why we want that information is that it is a necessary first question in order that we may undertake to elicit . . . information of which we think he is possessed respecting the operation of this conspiratorial force known as the Communist Party in northern California, of which we know he is a member."

This formula is a fraud on both the Supreme Court and the witness. If Barenblatt had answered the "\$64 question" in the affirmative, the next question would not have been a demand for facts about activities, but only for the names of his associates. Barenblatt himself was "named" by one Francis X. Crowley. Crowley had been an unfriendly witness, but under the threat of a contempt citation, he returned to the Committee's witness stand as a friendly witness. He was asked no question on his second run about any of the matters which the Court thought so important as to outweigh Barenblatt's right to silence. He was not asked about what preparations the Communist Party had made for the overthrow of the Government, or even whether he had engaged in the advocacy of the overthrow of the Government. Apart from the questions about routine activities of the Party, Crowley was asked to identify a list of individuals as Party members.

In 1950, one David H. Levison of Cincinnati returned to the witness stand after an initial refusal to answer the Committee's questions. On his second appearance the Committee showed no interest in Communist tenets or teachings, but concentrated on the names of his associates.

Mr. Levison was asked some 185 questions, of which almost all called for names. About 20 of the 185 questions sought further details to establish the identity of those named. For example:

Would you mind spelling those names?

That is man and wife?

Her first name is Vera?

Do you know his occupation at that time?

About what age person was he?

One "p"? Do you know whether the name is spelled with two "p's"?

And so on. But whether this witness, or others, were planning to overthrow the United States Government, and if so, how, was information in which HUAC apparently had no interest.

Informing is deeply offensive to most Americans. But witnesses who plead with the Committee to waive the informing requirement so that they can be cleared as friendly witnesses are almost always refused. Thus the Committee may already know the names which it is attempting to force out of the witness; but that makes no difference. There is, it insists, an important principle involved: an ex-Communist who refuses to turn informer has failed to prove that he has made a "clean break." His patriotism is suspect.

As Congressman Jackson, the Committee's theoretician on informing, put it, "... the final test of credibility of a witness purporting to be a former Communist who has changed his opinions in the period which has intervened between his membership and the present time, would have to be primarily the willingness to name names, places and circumstances surrounding such membership."

It is not enough for the witness to identify some names and to shield others because he is convinced they are no longer Communists and are not in sympathy with the aims of Communism. Congressman Jackson wants every last name: "Then one who refuses for any reason to disclose members of the Communist Party, depending upon his own judgment, to distinguish between hard core Com-

munists and simple dupes, is in effect and conceivably covering traitors."

The lengths to which HUAC will go to force the capitulation of the squeamish are boundless. The case of Larry Parks is legendary. Parks was originally subpoenaed in 1947, but was not called to testify. He was of a group of nine unfriendly witnesses who were subpoenaed with the "Hollywood Ten," but for some reason, were not put on the stand. Under the pressure of the Hollywood motion-picture industry blacklist, he reappeared in March 1951, the first of a wave of friendly witnesses. He believed that it would be possible to cooperate with the Committee without becoming forced to inform. He confessed to a fleeting and uncommitted membership in the Party which had terminated in 1946.

Shortly before Parks' appearance, the Supreme Court had ruled that once a witness had admitted Party membership he could not decline to name others under a plea of the Fifth Amendment. The admission of Party membership constituted a waiver of the plea as to all Party activities and associations. In the Parks hearing the Committee made clear for the first time that it intended to insist on names from admitted ex-Communists.

Parks pleaded, "I will tell you everything that I know about myself, because I feel I have done nothing wrong. . . . I would prefer, if you will allow me, not to mention other people's names." The Committee pressed hard. Parks wavered, but stuck to his guns and fought back. He denied that he had engaged in any subversive acts and charged the Committee with picking on him because he was a screen star. He conceded that his Party membership might have been a mistake in judgment. He went on to say: "This is debatable. But my two boys, for instance, I would rather have them make the same mistake I did under those circumstances than not feel like making any mistakes at all and be a cow in the pasture. If a man doesn't feel that way about certain things, then he is not a man."

The Committee refused to accept his assurance that the people involved that he knew of had left the Party and would be needlessly injured. Parks put his back up: "I don't think the Committee would benefit from it, and I don't think this is American justice to make me choose [to] . . . be in contempt of this Committee . . . or crawl

through the mud for no purpose, because you know who these people are. This is what I beg you not to do."

The Committee recessed and met with Parks in executive session and indicated to his lawyer that it was "entirely possible" that he would be cited for contempt if he persisted in his refusal. His counsel urged the Committee to go easy in view of his cooperativeness in other respects. "It is only saving that little bit of something that you live with—you have to see and work in Hollywood with that—you have to meet your children and your wife with it and your friends. . . . His honest and sincere opinion is that what he is going to give you will only eat up his insides and you will get nothing, no more than you have today."

The Committee remained unmoved. Parks made a final futile protest and then proceeded to answer the question: "Who were the members of the Communist Party cell to which you were assigned during the period from 1941 to 1945, or the period when you dissolved your membership with the Communist Party?"

Late in 1953, Parks' executive-session testimony was released together with a letter to Chairman Velde which "clarified" the earlier testimony. "It is my conviction," Parks wrote, "that to assist your committee in obtaining information about the Communist Party and its activities is the duty of all who possess such evidence. Certainly if I were to testify today I would not testify as I did in 1951—that to give such testimony is to 'wallow in the mud,' but on the contrary I would recognize that such cooperation would help further the cause in which many of us were sincerely interested when we were duped into joining and taking part in the Communist Party."

Robert Rossen, the screen director and producer, after refusing to name names in 1951, on the ground of "individual morality," capitulated in 1953 on the ground that ". . . no one individual can even indulge himself in the luxury of individual morality. . . ."

In Rossen's case, economic pressure forced a switch. Contempt citations reversed the previous unfriendliness of George Adams, a West Coast newspaper man, and Dr. Wilbur Lee Mahaney, Jr., a Philadelphia educator.

Adams reappeared before the Committee in September 1954, after having been cited for contempt for refusing to name names. As his Committee interrogators admitted, "In his previous appearances before the Committee [he had]

testified fully concerning his own background, his own participation in the Communist Party, and his own opinion regarding Communist Party theories." He reluctantly complied with the demand for the names he had previously withheld, and protested that "the Federal Government is morally wrong to force me, under the threat of criminal prosecution, to do what you have forced me to do today." A great many of the names involved associations from ten to twenty years prior to the time of his testimony.

Dr. Mahaney, who first appeared in February 1954, discussed his own views and activities and refused to identify his associates before he left the Communist Party in 1946:

It is a matter of deep and abiding conscience with me. . . . I have always believed and I have been told that to be an informer as to the friends that you might have or acquaintances you might meet along the pathway of life is contrary to every tenet of the American way of thinking.

He was cited for contempt. He reappeared after having been suspended from his teaching post in July of 1954, and was forced to identify a long list of persons—most of whom the Committee knew about already. All of them involved associations in the thirties and early forties. Among those he implicated were his former wife and another woman, both of whom had denied the charges in their own appearances before the Committee. He had previously refused to identify the individual who had made him a Communist in the thirties because she was dead. Under the prodding of the Committee he concluded that he had been "unduly squeamish about it," and turned in her name. He included in his list a woman to whom he had tried to sell an encyclopedia when he lost his teaching job.

Although, as we have seen, Congressman Jackson thought that the willingness of a repentant witness to name names on his reappearance was the supreme test of his good faith, Congressman Doyle was not so sure that the original sin of Party membership could be so readily expiated.

Why didn't you get out [of the Communist Party] in 1945 when you began to have that impression

[that coexistence was not possible]. Why didn't you get out immediately? . . . You were blessed with more education and degrees than most. You were well read. . .

The Congressman was tortured by the thought that "not until after seven months had elapsed after you testified here, together with the fact that until you knew you were being cited for contempt did you ask to come back here and straighten out your conscience as a matter of public record." The offering of the names left the Congressman cold. "If a man has been in bad faith and a member of the Communist Party for 10 years, how can I know whether I can believe the good faith is true?"

Congressman Jackson took a different tack. He granted the witness that "giving names of people you knew a long time ago . . . is not an easy thing to do. . . . It is a very difficult ordeal." He wanted to be completely certain that the witness had turned in everyone he knew. He warned the witness of the folly of shielding "a close intimate friend" through a "false feeling of loyalty." How would it look for Dr. Mahaney—now seeking to purge himself of a contempt citation—if such a "close intimate friend" were in the future to be subpoenaed by the Committee and named Dr. Mahaney as a fellow Communist?

The Committee had obtained no facts from Dr. Mahaney, but it was entirely satisfied that he had completely purged himself of his "mistaken sense of loyalty." The contempt citation was dropped.

In writing of this episode, Alan Barth has asked:

What exultation did the members of Congress feel at using power to achieve this victory over a man's conscience. What manner of investigation is it that will stretch a human spirit upon a rack as cruel in its way as any of the torture chambers of the medieval Inquisition in order to wrest from him, not a confession of his own heresy—he had confessed that long since—but an accusation leveled at old friends, leveled even at the woman he had once promised to honor and cherish?

What service to security did the committee render by compelling this anguished outcry. The women at whom Mahaney's trembling finger pointed were hardly

a menace to the state. What reverence did the committee accord to an honored American tradition by forcing this man to turn informer—to do what every American has been taught from childhood to abhor?

Since the witness who answers the Committee's questions about himself waives the right to invoke the Fifth Amendment, he will frequently plead this constitutional right because he does not want to be forced into the role of informer. The informing requirement forces the witness who might otherwise be ready to talk about himself to remain silent altogether.

A bona fide investigating committee would avoid frustrating the fact-finding process in this way. But the names (not the facts) are vital to HUAC's existence. A witness who is not ready to inform is not politically reliable enough to give the kind of lurid "facts" about the Red menace in which the Committee exclusively specializes. Under the circumstances, the witness' silence is more valuable to the Committee than the testimony. By forcing him to plead the Fifth Amendment, HUAC insures his punishment—his reputation will be smeared and he may lose his job.

Prior to the appearance in May 1952 of Lillian Hellman, distinguished American playwright, she wrote to HUAC's chairman:

I am not willing, now or in the future, to bring bad trouble to people, who in my past association with them, were completely innocent of any talk or any action that was disloyal or subversive. I do not like subversion or disloyalty in any form, and if I had ever seen any I would have considered it my duty to have reported it to the proper authorities. But to hurt innocent people whom I knew many years ago in order to save myself is, to me, inhuman and indecent and dishonorable. . . . I am prepared to waive the privilege against self-incrimination and to tell you anything you wish to know about my views or actions, if your committee will agree to refrain from asking me to name other people. If the committee is unwilling to give me this assurance, I will be forced

to plead the privilege of the Fifth Amendment at the hearing.

The Chairman replied that "the Committee cannot permit witnesses to set forth the terms under which they will testify." Miss Hellman, in her testimony, invoked the Fifth Amendment privilege.

In 1953, the Committee subpoenaed a group of Philadelphia teachers. Several of them agreed to discuss themselves and their activities on condition that they not be compelled to testify about others. The Committee refused. When a witness offered to waive his right to challenge the proceeding on constitutional grounds and to answer any and all questions about himself if only the Committee would agree not to force him to identify others, the following colloquy took place:

Mr. Velde: We have already been through this harangue. Now are you willing to answer the question?

Mr. Margolis: What is your ruling, sir?

Mr. Velde: I asked you whether you are willing to answer the question. I have given you every privilege that any witness or any person deserves before this Committee [consultation with counsel].

Mr. Velde: Please show your patriotism. Show your love of country, if you have it, and answer that question either yes or no or refuse to answer it.

Mr. Margolis: I do love my country dearly and I would like to ask for a ruling.

Mr. Velde: The Committee does not make rulings. The Committee merely seeks out information from witnesses who are called before it [consultation with counsel].

Mr. Margolis: If you want information about me, I will give it to you, but not about any other individual.

Since the Committee refused to promise not to ask the witness about others, he declined to waive his rights under the Fifth Amendment as to most of the questions asked him about his own activities. His reason for refusing to name others is an interesting one:

My reason for refusing to answer questions about other people is that in answering questions based upon the imperfect and incomplete knowledge which one person has about another and without the right of that person to cross-examine anyone or to present evidence in his own behalf, I should be giving to this committee information which might be misleading. I do not wish to be a party to a proceeding which is contrary to the American concepts of fair play and those concepts of law which are characterized by the unfounded accusation and the big lie.

Sometimes a witness risks a jail sentence by admitting past membership in the Party without trying to make a deal. But the Committee disdains his offer to help—even when his testimony promises to be enlightening and fruitful. At the Committee's 1959 Chicago hearings, a witness who had been assumed to be unfriendly surprised the Committee by admitting his former Communist Party membership. A Communist teacher and functionary for about ten years, he appeared to be just the "hard core" type the Committee was looking for. But after he had testified almost eagerly for a long period of time about his Communist background, the Committee recovered from shock.

Mr. Arens first asked the witness who had been his immediate superior while he was a Communist functionary. The witness declined to answer that question, but insisted that he was "extremely willing to be cooperative and frank about my own activities." To the Committee his reluctance proved that the witness still harbored latent Communist sympathies. Arens reminded him that he was shielding the accomplices of Stalin, a "murderer who destroyed hundreds of thousands of his colleagues," of Khrushchev, "dripping in blood . . . of an estimated 8 to 10 million of the Kulak class," and of the Red Chinese who "are digging up the graves of their ancestors to use them for fertilizer. . . ." Arens bore down on the witness with: "The Communist operation in the United States today now is a more serious, more deadly fifth column on American soil than ever before in the Nation's history."

Again the demand for names was repeated: "Now, would you kindly tell us if you are opposed to Commun-

ism, if you think it is an evil force, would you tell us, please, sir, the names of persons who to your certain knowledge are now participants as members of the Communist Party in the greater Chicago area?" But the witness remained impervious to Arens' steamy diatribes: "... because I have been going through the unfortunate experience, very possibly losing my own job, by virtue of being summoned here because I was a Communist in the past, though I am no longer, and I am conscious while I have been freely willing to testify about myself, my own activities, in conscience I can't subject anybody else to the things I have been subjected to the past few days."

Further harangues about the wickedness of Lenin and the perfidy of Communists fell flat. The witness refused to be moved to the point of betrayal, although he begged to share with the Committee all the facts that he knew:

Mr. Chairman, I would willingly stay here all day, all night, as long as the Committee wants, to give them all information in my possession about Communist activities, Communist techniques up to 1956 when I had knowledge of these things. However, when it comes to identifying persons whom I knew as Communists up to 1956, I can't evade the point that I might cause these people to go through the same thing I have had to go through for the past few days, including possible loss of a job. Most people who were in the Communist Party at that time, as the Committee well knows, have left the Communist Party, and are now opposed to it.

But the witness' pleading offer to stay all day and all night to give the Committee all the information in his possession fell on deaf ears. He was cited for contempt of the Committee on the theory that the witness' recalcitrance balked a quest for facts in aid of the legislative process! This apparently didn't make sense to the grand jury, for it refused to indict the witness.

The identification and exposure process so dominates the hearing as to leave little room for facts. But HUAC has to pretend that the hearings are about some theme or subject. If the witnesses are an assorted group from, let us

say, Baltimore, the hearing is called "Communist Activities in the Baltimore Area"; it is known as an "area" hearing. If the informer has turned up with a clutch of teachers, the hearing is called "Communist Infiltration in Education"—an "infiltration" hearing. But except for the names, the transcripts of the "area" and "infiltration" hearings are completely interchangeable: the former tells us nothing about "activities" in Baltimore, and the latter as little about "methods of infiltration" in education.

The hearing is held not because some new problem requires it, or because some new facts might emerge from it, but because a "package" of exposable unfriendly witnesses has been assembled. This means not only that HUAC cuts the cloth of the problem to the witnesses, but that it deals with the same problems over and over again. A bona fide Congressional investigation would regard it as a waste of time and money to investigate and reinvestigate the same problem month after month and year after year. Why should it keep looking for information it already has? But HUAC endlessly rehashes a stock repertoire of problems, all of which involve not some evil requiring legislation—sabotage, sedition, espionage—but Communism as such, the "invented terror" of which Aristotle spoke.

From its inception to the present, the Committee has heard testimony about the Communist Party and how it operates in at least 25 hearings. It has issued a half-dozen reports on the teachings and organization of the Party. Most of the testimony which it has heard was publicly presented in Smith Act trials. The great bulk of it largely deals with such earth-shaking matters as the kinds of Party cells, how dues are collected, resolutions passed at conventions (none of them violations or any law), the use of mimeograph machines to reproduce statements, the Party's echelons of authority, etc.

Another subject of which the Committee never wearies is Communist fronts. This subject has dominated the Committee's hearings since the days of Matthews, Steele and Frey. It is surely legislatively the most sterile pursuit conceivable. We now have legislation on the books directed not only at Communist-dominated and controlled organizations, but even at Communist-infiltrated organizations. Many believe that these statutes trespass on areas safeguarded by the freedom of speech and assembly protections of the Constitution.

The Communist-front horse simply cannot be beaten any harder. Besides, it is by now quite a dead horse. Harassing legislation, the repressive political climate of the fifties, the Attorney General's list of organizations, and the activities of the Committee itself have disposed of most of the political, civic and "cause" groups which flourished a decade ago. The Committee is now reduced to charges that the Communists are by infiltration tactics subverting parent-teacher associations, the YWCA, the Protestant churches and similar organizations.

Another HUAC favorite is the alleged subversive infiltration of defense industry. It issued a full report on this subject in 1954, but that was hardly enough. It has held hearings on this subject in 1956 (St. Louis), 1957 (Buffalo, Baltimore), 1958 (Gary)—to name only a few.

One would hardly guess from the Committee's frenzied alarms that the whole of our defense-connected industrial establishment is subject to an intensive security clearance and control system. No more legislative life can be breathed into this investigatively exhausted subject, without trespassing on the Constitution.

The "facts" which emerge from HUAC's hearings invariably confirm its lurid version of the Red menace. The reason for this is simple: the only witnesses who are permitted to give testimony about facts are those who share HUAC's views. The testimony is little more than propaganda in question-and-answer form.

Despite the enormous numerical decline of the Communist Party, the weakening of the Party by criminal prosecution, its isolation and rejection by Americans in every area of our national life, the Committee insists that the Party was never stronger. HUAC asks each informer witness whether this is not so and they all dutifully agree. For example, in the 1959 Pittsburgh hearing, we learn:

Mr. Arens: Is the Communist operation now more dangerous or less dangerous than it has been in the past?

Mr. Golden: It is more dangerous, due to the fact that it is underground more and it can't be kept track of as good.

In the same year in Chicago, asked of a witness who had

terminated his relationship to the Party in 1949, ten years prior to the hearing:

Mr. Arens: I should like to ask you . . . how serious is the Communist menace in this area to your certain knowledge as of now?

Mr. Nelson: It is more serious now than ever before, because at this time almost all of the people are not formally in the party . . . still they maintain their Marxist-Leninist philosophy and they are in the leadership of various unions throughout the State of Illinois. I would say it is definitely in a better position today than they ever were. [This witness had left the Party in 1949, ten years prior to the hearing.]

And again in the Chicago hearings:

Mr. Arens: . . . how serious is the Communist movement, the Communist operation at this instant.

Mr. Poskonka: It is very, very serious. . . . Because of being undercover. They are using the scheme which instead of using openly the Communist Party, they are using front organizations and labor, and people think they are strictly a decent organization, fighting for labor. . . .

While the Committee runs no risks that the offerings of the informal witnesses will injure the cause, Congress obviously runs enormous risks of using this testimony for guidance in the legislative process. The problems of freedom and security in which the Committee deals are far too delicate and important to be entrusted to witnesses of this kind.

The volunteer for undercover political spying believes that he is doing his patriotic duty by plunging himself and his family into the milieu of a subversive. He inevitably tends either to distort the facts which he observes or, and this is the greater likelihood, to distort the meaning of the facts. Convinced of the existence of a sinister subversive conspiracy with its fangs at the throat of the Nation, he sees treason under every bed. For him everything that a Communist does—no matter how humdrum it appears—is smoky with sedition.

This kind of informer or undercover agent is primarily drawn from the ranks of the professional patrioteer. He expects the gratitude and admiration of his fellow citizens for his courage in unmasking the subversive menace. His psychological need to exaggerate the dangers which his victims pose to organized society is enormous. If he is to be a St. George, then the animal he is slaying needs to be a dragon.

The informer whose motivation is economic is likewise suspect. He knows that his economic usefulness depends on his readiness to report what he is paid to report. He is paid to spy on an organization in order to obtain evidence. He knows that if he fails to find such evidence, his value to his employer ceases. This economic incentive also serves to destroy his accuracy in the reporting of the names of subversives. Indeed, sometimes his compensation is directly dependent upon the number of names he produces. When the informer learns from experience that there is no effective check upon the data he turns in, he becomes bolder and more extravagant in his claims and charges.

Again, one cannot help concluding that a deep sense of guilt compromises the veracity of some of the informers. It would be a psychological miracle if a reasonably normal individual could engage in a systematic process of forming pretended friendships with others and then exposing them to loss of livelihood and criminal prosecution without suffering a profound guilt feeling. It is an elementary psychiatric truth that such a guilt feeling forces the individual into compensatory justification by the creation of elaborate phantasies concerning the crimes of his victims.

The informer who is motivated by a power drive is also a high credibility risk. Ambition forces him to lie about the activities of his victims in order to enjoy the sense of power which comes with exposing them and to achieve public recognition. He needs an endless succession of victims in order to get ahead in the informer world.

When the undercover agent or the police spy matriculates from undercover operative to public witness, his credibility does not improve. HUAC encourages him to draw the long bow in responding to questions. His testimony is privileged against defamation actions; there is no cross-examination, nor fear of perjury prosecutions.

The credibility hazard which informer testimony pre-

sents has been well described by Professor Zechariah Chafee, Jr.:

I want to make absolutely clear my position about spies as witnesses against men accused of political crimes. I am not saying that such spies will tell nothing in court except lies. Undoubtedly, some of them will do their best to tell the truth during their whole testimony while many others will mix a good deal of truth with falsehoods. What I do say is that there is a much greater risk of false testimony from spies than from ordinary men. Every witness, no matter how honest, is naturally inclined to make a good showing for his side. I know this from my own experience in will cases. But, in the case of most witnesses, any risks from this inclination are offset by several checks. Truthfulness is a requisite of most normal occupations from bookkeeping to the practice of medicine. An ingrained habit of telling the truth is carried on to the witness stand. And the ordinary witness knows that any lack of veracity may be detected when he testifies, as he usually does, about matters which are capable of objective proof or on which he can be contradicted by disinterested eyewitnesses of the facts.

But when spies appear in court, such checks operate in a much weaker way. The very nature of a spy's work requires lying. He has to deceive his associates into thinking him one of themselves. The longer he does spying, the greater the tendency for the boundary between truth and falsehood to be blurred. . . . And the subject-matter of a spy's testimony in political cases is often incapable of neutral verification. He has enormous power to imagine words which were never said. The only other possible eyewitnesses of the transaction he narrates are usually the suspected person he is helping to punish and other members of the alleged conspiracy. It is impossible to let in the light of day upon these dusky happenings.

The trouble is not that you cannot be sure a spy is lying. The trouble is you cannot be sure he is telling the truth. The risk of false testimony is tremendously increased.

The ex-Communist who is ready to inform is usually under heavy pressure to tell the Committee what it wants to hear. He may have fallen out with his former associates and sees the Committee as a vehicle of revenge. More commonly, he may be under pressure to "clear" himself for employment. Such a witness must be aggressive in his denunciation of his former views to qualify for clearances. He testifies, as one wit has put it, from his stomach, not from his convictions.

A talented FBI plant who combines a bent for the sinister with a large number of names is worth his weight in gold to HUAC. One of the most successful of such witnesses was Matthew Cvetic, who "surfaced" as a Committee witness in February 1950. Cvetic was the first of a long line of FBI undercover agents who had been planted in the Party in the forties who used the Committee as a forum. His testimony before the Committee is probably a record performance—six days in February and March of 1950, and four days in June, September and October of the same year. Cvetic's testimony was carefully prepared: he not only named names, but delivered himself of elaborate political commentaries on the evil machinations of his victims. He devised a cabalistic rationale to make the most innocuous document seem fraught with terror.

His story dominated the front pages of the Pittsburgh papers and filled the radio air waves for weeks. Headline articles carried Cvetic's recital of "Red Plots for the Violent Overthrow of the United States." "All Communists Must Be Ferreted Out" the Pittsburgh press proclaimed on March 5, 1950. An editorial entitled "Now Bring Them To Heel" charged the Communists with sealing defense secrets, preaching the violent overthrow of the Government, stirring up strikes, and concluded, "The Commies here will do worse unless they are brought to heel." An article in the *Pittsburgh Press* quoted Cvetic to prove that the "Communist Party is no more a political party than a gang of robbers is a political party." The *Pittsburgh Sun Telegraph* quoted Cvetic's testimony to the effect that Pittsburgh Communists were already laying plans for a war between the United States and the Soviet Union, and that Cvetic had been given detailed information about a plan of the Soviet Union to invade the United States mainland through Alaska. Stressed over and over again was

Cvetic's warning that the Pittsburgh area is the "chief concentration point for the Communist Party in the United States," and that the Communists' plan was to infiltrate Pittsburgh industries as the first step toward "overthrowing the Government."

It was in the setting of this testimony before the Committee that Cvetic named some 300 persons as either Communists or "Communist sympathizers." The names and addresses of these persons and their places of employment, when known, were printed in the Pittsburgh newspapers in heavy type with a summary of Cvetic's testimony about them. This was followed by radio and television broadcasts. As a result, nearly 100 persons lost their jobs. The mere mention by Cvetic as a Communist or a sympathizer was regarded as sufficient in the community to warrant discharge or other sanctions. As the *Pittsburgh Press* put it in an article on February 28th, "There has been no room for doubt at any time about the veracity of Matt Cvetic . . . the testimony, background and substance of Mr. Cvetic are too firmly established to justify any reasonable doubt about his story."

A man reported to have been employed by one employer for 20 years was given an "indefinite leave of absence" after being named by Cvetic. Another woman was likewise promptly fired by her employer after a long period of satisfactory service. A member of the Pittsburgh Symphony Orchestra was not only fired from the orchestra, but expelled by the American Federation of Musicians.

Other unions in the Pittsburgh area ordered named members either to deny the Cvetic charges or resign. The United Steel Workers of America were reported, in an article headed "Steel Workers 'Weed Out' Red Suspect," to have deprived one individual named by Cvetic of all union rights except that of paying dues. Another individual described by Cvetic as a "Croatian leader," was reported in the press to have been ousted from an American Federation of Labor union on the ground that he had "concealed his Communist ties when he joined the labor organization." A young war veteran was forced to resign a position with the American Federation of Labor because Cvetic named his father (not him) as a Communist. Two officials of the A.F. of L. Hotel and Restaurant Workers Union were ordered by the Executive Board to deny Communist charges or resign. One of them was forced to resign. Two

other workers were faced with expulsion by the union because they were named by Cvetic as "Communist adherents."

The Pittsburgh papers of March 19, 1950, ran a headline story "Auto Workers Refuse to Seat Alleged Red," reporting that "members of a CIO United Auto Workers Local have blocked the installation of the new President of their union until charges that he is a Communist can be cleared up."

A "roundup" story in the *Pittsburgh Press* on March 19, 1950, is headed, "3 Fired, Others Jittery Over Cvetic's 'Red Label'." Its lead paragraph states: "Pittsburgh district persons named as Communists by Matt Cvetic have been having a rough time holding on to their jobs since the FBI undercover agent testified before the House Un-American Activities Committee." After referring to several persons who had lost their jobs or were threatened with job losses, the story goes on to say, "There were indications that other companies and unions are contemplating action against members of their organizations who were named as Communists by Cvetic." Five union members of long standing were reported in newspaper stories, complete with their pictures, to be facing trial by a steelworkers local union on charges by Cvetic that they were Communists. Cvetic's testimony against two of them was apparently based on the fact that they supported a Croatian newspaper said to follow the "Party line." He charged that "Their efforts for the paper were sufficient evidence for me to know that they were giving aid and comfort to the Communists."

A few unions went as far as to invite Cvetic to look over their membership lists and to pick out the "Reds." A Pittsburgh local of an electrical workers union staged a mammoth meeting at which Cvetic was reported as having been given a "hero's welcome." In the wake of the Cvetic revelations, there was a wave of firings of school teachers on every level of the school system. A former Pittsburgher who had worked as a librarian at Cornell University was promptly fired when he was named by Cvetic.

Expulsion from various clubs and associations also followed the Cvetic disclosures. The president of a mothers' club was forced to resign, a local newspaper headlining the incident, "Red President 'Poured Out' at Glen Hazel Mothers' Tea." The press also reported the expulsion of a member of the local board of trade as a result of his having

been named by Cvetic—not as a Communist, but as a supporter of Henry Wallace and a delegate to the Progressive Party convention. Another individual named by Cvetic was expelled from a civic club with widespread publicity.

Cvetic designated one of his victims as "The Red Queen." The state at once cut her and her two children off relief, on the ground that she had violated an oath requiring relief recipients not to seek the overthrow of the Government.

A page-one article on March 16, 1950, declared "Deportation Faces 20 Reds Cvetic Named." It mentioned two pending deportation cases in which Cvetic was expected to be a witness. Under the headlines "Housecleaning Due—Red Lawyers May Be Ousted by Bar Association," the newspapers in May 1950 carried reports of a move to disbar lawyers in the Pittsburgh area who had represented politically unpopular causes and clients.

On March 9, 1950, Judge Michael A. Musmanno dismissed a grand juror whom Cvetic had named as a Communist. When the Judge recognized her on the panel, he took prompt action:

I withdrew to my chambers and made a quick call to the Federal Bureau of Investigation in Washington.

From the National airport of America's capitol an airplane took to the skies bearing a passenger who for the preceding months had been making first page news all over the country. Two hours later I was leading Matt Cvetic to a door from which he could see the grand jurors. I asked him if he recognized any among them. . . .

That afternoon I summoned the designated person to my chambers with Matt Cvetic, two county detectives and four other persons who had dealings with her . . .

The next day, in open court, the Judge dismissed her and denounced her from the bench with inflammatory grandiloquence:

One never hears or scarcely ever hears a Communist admit what he is doing. His directives proclaim the overthrow of Government by force and violence but he parades within the camouflage of societies,

associations and programs, always striving for dissension and conflict. He stirs up class hatreds, he gets admitted into circles of high influence and then, when the opportunity arrives he betrays not only his Government but all mankind.

Need I tell you of the miserable wretches who accepted the usual pieces of silver for atomic secrets so as to bring on a race in atomic destruction which can conceivably lead to the end of all life on the planet itself? The appalling hydrogen bomb of which we have heard much is a bomb that can wipe Pittsburgh out of existence like one with a finger smashes a grape. . . .

The dismissed grand juror also lost her job; nor was she reinstated when Pennsylvania's Supreme Court, in an extraordinary action, condemned the judge for his arbitrary and illegal action.

The Pittsburgh hysteria fanned out in an ever-widening arc. Communist newspapers were banned; raids were conducted; Communist Party leaders on the basis of Cvetic's testimony, were charged with sedition under a Pennsylvania statute; and the bail of one of the defendants was set at \$50,000. In September 1950, the Communist Party offices were padlocked. When the padlock order was reversed by the Pennsylvania Supreme Court, the lower court, on petition of Judge Musmanno, entered a new order directing the seizure of the entire contents of the offices. The documents which were seized were turned over to the Committee by Cvetic and Judge Musmanno.

In the spring of 1951, elaborate ceremonies were held in Pittsburgh to celebrate the premiere of "I Was a Communist For the FBI," a movie "based on the real life experience of Pittsburgh's own Matt Cvetic." The day of the premiere was officially proclaimed "Matt Cvetic Day." A special luncheon was held and a parade honoring Cvetic marched through downtown Pittsburgh in front of the courthouse where the sedition trial was being held.

Subsequent to Cvetic's Committee appearance, he appeared as a witness in various court cases. But courtroom testimony was not a métier suited to his extravagant, self-glorifying flamboyance. The Committee, the movie, and *Saturday Evening Post* authorship had spoiled him for the austerity of simple fact. Besides, cross-examination revealed a sordid private life. Despite these disclosures, he

earned a substantial income from various anti-Communist enterprises. In 1955, a long history of mental disturbance and alcoholism, which he had previously concealed, was brought to light when he was hospitalized in Pittsburgh.

Two weeks after his last discharge from the hospital, he appeared before the Senate Internal Security Subcommittee, where he gave testimony alleging that John J. Mullen, head of the United Steelworkers Political Action Committee and a former Mayor of Clairton, Pennsylvania, was a Communist. Cvetic's mentor, Judge Musmanno, had inspired the charge and Cvetic tried hard to make it stick, but his attempts to bridge the inconsistencies in his story with politically sinister explanations no longer worked their old magic. Mullen appeared before the Committee, denied that he was ever a member of the Communist Party, and contradicted Cvetic's testimony in every particular.

Shortly thereafter, Cvetic left Pittsburgh. He now lives in California, where he lectures to organizations such as the John Birch Society on the Red menace—a long way from his Committee triumphs, when his mere word was enough to ruin a man. But Cvetic is now a full-fledged hatist and a speaker for Billie James Hargis' Christian Crusade Rally. He has expanded his talents for identification since his HUAC days and now includes in his act the leaders of the Fund for the Republic, SANE, and Cyrus Eaton ("a stupid, greedy, capitalistic pig").

8 THE ROLE OF THE PRESS

Any Congressional investigation, even when it has a legitimate legislative purpose, relies heavily on the press. It tries to create a public opinion favorable to Congressional approval of the legislation it wants passed. Good publicity can help re-elect an investigator, make him a national figure and advance his political ambitions. Just as the job of prosecutor frequently serves as a way station to a judgeship, so a Congressional investigation can be the precursor of bigger things. A good press is helpful, too, for renewed appropriations.

The importance of capturing the headline is underscored in the following memorandum on conducting an investigation which was circulated to the staff of a Congressional committee investigating the FCC:

Decide what you want the newspapers to hit hardest, and then shape each hearing so that the main point becomes the fortress of the testimony. Once that fortress is reached, adjourn.

Do not permit distractions to occur, such as extraneous bursts of would-be witnesses, which might provide news that would bury the testimony which you might want featured.

Do not space hearings more than 24 or 48 hours apart when on a controversial subject. This gives the opposition too much opportunity to make all kinds of countercharges in replies by issuing statements to the newspapers.

Do not ever be afraid to recess a hearing, even for five minutes so that you can keep the proceedings completely in control so far as creating news is concerned.

In a conventional legislative investigation, the wooing of the press serves to reinforce and further some legislative purposes. But HUAC's relationship to the press is sharply different. The public ventilation of the names of the unfriendly witnesses in the press is an integral part of the exposure process. Congress has no need to know the names; they are aired solely to trigger private action. The press—as well as radio and television—is indispensable to give exposure a community-wide resonance. The press does not merely mirror or report the hearing; it is an indispensable part of it—like a loudspeaker on a high-fidelity sound system.

A witness was told (before the advent of television):

... you are now before the greatest open court in this country, I believe, beyond the confines of any limited courtroom in this country. You are now in the presence of probably 1,000 or more people in this committee room. You are in the presence of an invisible audience of millions of American people who

listen to the radio. You are in the presence of millions of American people who see moving pictures. You are in the presence of competent and able representatives of the American press, which is free.

HUAC holds its hearings at times and places which promise the most generous press reception. It arranges the script of the hearing for a maximum press coverage. Frequently a friendly witness begins and closes the proceedings. In the course of the hearing, it tries before the noon recess to create a good headline for the afternoon press and, before the close of the session, a new lead for the next morning's newspapers. It is equally adept at other publicity dodges. In order to "take the play away" from a Methodist minister who testified before it in August 1953, it released—in the course of his testimony—the testimony of another clergyman which was given two years earlier in executive session. Together with this stale testimony, it issued a special release to the press.

The logic of HUAC's dependence on the press drives it further and further into realms of invention and fantasy. HUAC must anticipate revelations of unparalleled treachery; promise blood-curdling confessions; call mystery witnesses and announce that it is finally on the trail of the master-plot to take over the country. This is the stuff of which headlines are made and this is the way the Committee makes headlines.

The Committee shamefully exploits the press. Alan Barth pointed out a few years ago:

American newspapers pride themselves on being impervious to the trick of press agency. They have learned to detect the contrived handout, the planted story, the trial balloon. Yet they have found themselves in recent years sucked in as purveyors of gossip, and in some cases, of malicious falsehood put out in the guise of news—simply because it has been uttered on the floor of Congress, or under the auspices, and the protection of a Congressional Committee.

There is a section of the press which serves as a conscious collaborator and tool of the Committee in the

exposure process. Newspapers in this group include the *Cincinnati Enquirer*, the *Baltimore Sun*, the *Miami Daily News*, the *New Bedford Standard Times*, the *Buffalo Evening News*, the *Chicago Tribune*, the *New York Daily News*, the *New York Mirror*, the *Newark Star-Ledger*.

Many of the Washington correspondents of these newspapers enjoy a close relationship with the Committee and its members. There is a junta of insiders, headed by radio commentator and news columnist Fulton Lewis, Jr., who are afforded generous access to the Committee's plans and files. Professor Robert K. Carr observed that:

... the intimacy which has existed between the Committee and certain newspapers has at times been disquieting. With few exceptions the newspapers enjoying these close contacts have been reactionary journals, and the record makes it clear that they have aided and abetted the Committee in some of its most sensational and flamboyant undertakings.

These newspapers have cozy relationships with the Committee's field investigators, and pass leads to the Committee in exchange for "exclusives." This enables the newspaper to attack the witness long before he appears on the stand. When the decision to hold a hearing is formally announced, these newspapers proclaim it as a triumph of their journalistic vigilance. Their local reporters become, in effect, members of HUAC's staff. The hearings become their private journalistic fief. They spare no effort to make the hearing a success—screaming headlines, large photographs of the victims, interviews with Committee members, feature stories and personality sketches of everyone connected with the hearings.

The Committee's informers are pelted with roses by these dailies. There is hardly a major informer who has appeared before the Committee —Matusow, Budenz, Manning Johnson, Paul Crouch—at whose feet they have not sat and worshipped.

The role of HUAC's journalistic pets is not to mirror the news but to distort and exaggerate it and to lead the community in the hue and cry against the unfriendly witness. For example, HUAC decided to come to Buffalo in 1957, after the *Buffalo Evening News* had campaigned for hearings. For almost a decade it had been conducting its

own Red hunt in collaboration with the local Network—the Anti-Subversive Police Squad, the American Legion and private anti-Communist information services.

A week before the hearings commenced it announced that a three-man subcommittee would investigate Communist infiltration of industry in the Buffalo area and the distribution of foreign propaganda. The *Buffalo Evening News* disclosed that the addresses of the 34 subpoenaed witnesses were supplied to the subcommittee by the Buffalo Police Anti-Subversive Squad. On September 26, a front-page article by Fred Turner, the newspaper's Red specialist, headlined, "Efforts of Red 'Colonizing' Dramatically Shown Here." Turner wrote that the hearings would bare "Commy techniques of getting a job and worming their way into plants" in order "to bring about labor-management friction."

The stock feature of the road show is an opening-day press briefing by staff director Arens and the subcommittee Chairman. Arens gave the *Buffalo Evening News* his standard interview: "We regard this as a serious Communist operation." The Communist conspiracy is a "greater menace than ever" because it is now reduced to "a hard core of real revolutionaries." According to the *Evening News*, Arens went on to explain that "the Federal Bureau of Investigation is the 'finest of its type in the world,' but is outnumbered two to one by the Communists who respond to the will of Moscow." He told the press that "the Communist apparatus had given an all-out signal to its several hundred fronts and the several hundred fronts behind the fronts to discredit the House Committee. They are taking steps to abolish it."

The newspaper announced that while the public was invited to all nonexecutive sessions, "Priority ratings for admissions have been established, however, to guarantee certain individuals and groups such as the Erie County American Legion seating space in the courtroom."

The *News* gave all this the most prominent coverage. When the hearings began, it published the pictures of the witnesses as well as lengthy abstracts from their testimony. The hearings of the second day were likewise published in minute detail. The *News* carried a lead story under the heading "FBI Undercover Agent Tells of Peace Groups Set Up as Red Fronts." This story reproduces a long list of names as well as photographs of the witnesses and

their counsel, together with a photograph headed "Dramatic Identification During Session of House Communist Probe." It is a classic picture of such a "confrontation," including the pointing of the finger by the informer and the hand-shielded face of the victim.

The same issue of the *Buffalo Evening News* ran a "dope story" that plans were afoot to instigate prosecutions of some labor-union witnesses for alleged violation of the non-Communist affidavit provisions of the Taft-Hartley Act. A story, headlined, "Red Probe Witness Removed as USW Local Delegate," announced that one witness, a Bethlehem Steel employee who had told the Committee under oath that he was not a member of the Communist Party, was nevertheless removed as a delegate from the local to the CIO Greater Buffalo Industrial Union Council. He had also been suspended from his steward's post at the Bethlehem Steel Company, pending the outcome of the subcommittee hearings.

The last day of the hearings received most sensational press treatment in the *Evening News*. The Committee had saved as a wind-up witness a local optometrist who, according to a huge headline, had been "Named a Top Red in Buffalo, Balks at Nearly All Questions." It became apparent in the hearing that this witness would plead the Fifth Amendment to all questions. He so pleaded in response to a question about a trip to Mexico. Arens then asked him a where-was-Moses-when-the-lights-went-out question: whether he had been in Mexico at the time of the attempted assassination of former President Truman in Washington, D.C., by Puerto Rican nationalists. The *News* did not think that these tactics were unfair—or if it thought so, it kept silent about it.

In order to do justice to the remainder of the last day's hearings, principally concerned with demonstrating Red infiltration of the YWCA, the NAACP, and parent-teacher groups, the *Evening News* devoted separately headlined stories, complete with photographs, to each of the eight "infiltrators," of whom seven were housewives:

SOCIAL WORKER AVOIDS REPLY ON
WHETHER HE WAS A RED

WOMAN INVOKES FIFTH OVER QUERIES
ON HOW YWCA WORKED

NATIVE OF RUSSIA INVOKES FIFTH IN QUERIES ON JOBS

HOUSEWIFE DENIES SHE'S RED NOW, BUT IS SILENT ON PAST

ANOTHER ACCUSED RED QUERIED ON YWCA

WITNESS DENIES EVER BELONGING TO NON-RED GROUPS

A *News* story of the same day, "Case of Ex-Reds in UAW's Hands," stated that production had been restored at a Buffalo plant where the men had walked out in protest over "having to work with former Communists" who had been witnesses at the hearing. A union representative charged that the company had instigated the walk-out.

Another story in the *News* of this day carries a large headline "Prosecution Here up to Washington." "Any contempt, perjury or Taft-Hartley Act violation prosecutions, as a result of the House Un-American Activities Committee Subcommittee hearings will be handled by the United States attorney's office in Buffalo but initiated by the Department of Justice." It recounts that the U.S. attorney had sat in as observer during the four days of hearings and that the Committee would deal directly with the Department of Justice in recommending any criminal action. The subcommittee members had indicated that they would recommend Justice Department investigations of the testimony of some witnesses. No such prosecution was ever begun. Thus a large metropolitan daily devoted the major portion of its news pages for four days to sensationalizing hearings which produced no meaningful testimony.

A few newspapers operate their own exposure mills. They train reporters who specialize in inside dope on the local Reds. In some cases they pick up an informer on the open market who has already testified before an antisubversive committee, or they buy his confessions before he makes his debut as a witness. Among the informers who have, at one time or another, found a journalistic outlet for their talents are Herbert Philbrick, Louis Budenz, Paul Cruoch, Harvey Matusow, Benjamin Gitlow, and William Teto.

One of the country's outstanding exposure operations was conducted for many years by the *Miami Daily News*. In 1948, the newspaper "covered" a public meeting addressed by Elizabeth Gurley Flynn, Communist leader. It printed pictures of the audience and told its readers that the center of subversion in the United States had shifted from California to Miami. In 1949, the newspaper repeated the tactic, this time in connection with a meeting of the Civil Rights Congress. Then it called upon informer Paul Crouch for a series of articles which elaborated the thesis that Miami was the hub of an international Red network covering Latin America.

The newspaper arranged with the Committee to have Crouch's material published *as testimony* in the hope of clothing it with immunity from libel actions. The Committee obliged, but the maneuver was ineffective. Crouch's charge that Armand Scala, a Pan-American employee, was a Communist courier between the United States and Latin America resulted in a successful libel suit. The jury found that Crouch had lied; the paper paid \$5,000 damages.

But Scala's legal victory did nothing to lessen the fear and intimidation which by this time had engulfed a sizeable portion of Miami's permanent community. Liberal organizations purged themselves of "radical" suspects; liberals themselves retired from organizations which they thought might be vulnerable; many persons left the community altogether. The *Daily News's* expert on subversion, Damon Runyon, Jr., tirelessly listed individuals prominent in liberal movements as Reds or subversives. The *News* specialized in hair-raising political horror stories of espionage and sabotage. Paul Crouch told Miami readers that an espionage network was fanning out from Miami to spark South American revolutions. An agent named Joseph Mazzei—subsequently disowned as a liar by the Department of Justice—used its columns to inform Miamians that the Reds were plotting to take over the Opa Locka Naval Station as an invasion base for the Soviet Army. Another *Daily News* writer, Al Spears, a claimed ex-FBI agent, expressed the opinion that the Reds were bent on converting Opa Locka into a model Soviet village. The paper even printed a charge that the local Reds had infiltrated a million-dollar Miami Beach prostitution ring.

The *Daily News* coupled these scare stories with constant urging to readers to "repent" or "inform," preferably,

of course, in the newspaper's own columns. In June 1954, Runyon collaborated with Al Spears in a series of articles charging that at least 300-card-holding Communists lived in the area, and complaining that all of them still seemed able to earn a living. Actually, about 50 alleged Reds were named, most of them on hearsay evidence. The series also smeared organizations which had never before been charged with subversion, among them the F.D.R. Club, a Miami Beach discussion forum, and the First Unitarian Church of Miami.

Runyon had a journalistic field day as the grand jury ground out subpoenas and indictments. "The Communist Party in Miami," he wrote, "already has complete plans of the stockade (the new police lock-up) which were obtained in anticipation that all would be rounded up when Soviet Russia attacks the United States." In another article, he wrote: "The Communist Party's method of preying on lonely people was described yesterday by a pretty German girl, a former atomic bomb technician, who said she unwittingly fell into Communist hands. . . ." The story was illustrated with a revealing photograph of the girl, bearing the caption, "I was lonely. . . ." The disbarment of a local attorney who pleaded the Fifth Amendment brought from Runyon the announcement: "The legal arm of the Communist Party [has been] smashed." When the disbarred lawyer moved away from Miami, the *Daily News* carried a huge front-page headline, "New Czar for Reds in Miami." Who the new "Czar" was, or where he came from, the newspaper never bothered to say.

Runyon's inventiveness was wide-ranging. "Reds' Safety in Jail Feared as Inmates 'Haze' Smolikoff," ran the headline over a story which reported that Charles Smolikoff, one of the men jailed for contempt of the grand jury, had been beaten up by fellow prisoners in an effort to make him sing patriotic songs "backwards and forwards." The *Daily News* ran the story for a full day after it had been denied by the sheriff.

In the winter (when else?) of 1954, the Committee finally succumbed to the campaign of Runyon and the *Daily News* for local hearings. But the three-day hearing only yielded 34 names—almost all of them already known. This was thin gruel for a community which had for years been fed on a rich diet of exposures served up by the *Daily News's* chefs. As a matter of fact, the hearing made the

Miamians wonder whether prior press accounts of subversion were not grossly exaggerated. The Committee tried to put on a good show, but it had poor material. Its chief witness was one Ralph V. Long, an ex-FBI agent whose testimony drew from Chairman Velde the comment that he was "one of the most outstanding witnesses to appear before this Committee." But his hometown newspaper, the Durham, North Carolina, *Morning Herald*, wasn't impressed. It wrote shortly before his appearance:

Long has a police record extending from September 11, 1949, through November 5, 1954. He has been tried twenty times for public drunkenness and each time has either served time, paid a fine, or appealed the judgment to the Superior Court. Several of the appeals are now pending. In addition, Long has been tried twice for disorderly conduct and twice for assault and battery. A nol pross with leave was taken in the first case of disorderly conduct, while Long paid court costs in the second. The first case of assault and battery was nol prossed; no disposition was recorded in the second.

The Miami papers apparently did not think Long's record newsworthy. Long's 21st conviction for drunkenness came on November 4, less than a month prior to his appearance before the Committee. Apparently his thirst overcame him again only a few days after he returned from Miami, for the records of the Recorder's Court in Durham, as printed in the *Morning Herald* of December 7, show that on December 6 he had again been found guilty of drunkenness and sentenced to 30 days. It was his 22nd conviction in five years.

In Seattle, too, the disclosures of the Committee were a journalistic anticlimax. After the Velde-led Committee came to Seattle in the summer of 1954, the *Post-Intelligencer* printed an editorial blazing with self-congratulations:

The names exposed by the *Post-Intelligencer* reporters from the forties on were the same as those exposed in the House hearings. So thoroughly had reporters for this newspaper done their work that hardly a new name came out of the exhaustive Seattle

hearings—merely confirmation of the painstaking evidence that had been gathered and published over the last 10 years.

The editorial takes particular pride in its reporter, Traynor Hansen, who had got in touch with Mrs. Hartle after her Smith Act conviction and encouraged her to break with the Communist Party; "her decision might have been indefinitely delayed except for this reporter's initiative."

Sometimes a newspaper uses the Committee to hound a single individual, as a Scripps-Howard paper did in the case of a former union official whose conviction for filing a false Taft-Hartley affidavit was set aside by the Supreme Court and who subsequently received a fellowship from the Woodrow Wilson Foundation. After the newspaper attacks on him, he was called 3,000 miles from home to appear at a Washington hearing held to trap the witness into making statements which might be used for a second perjury charge.

The Committee permitted him to testify in executive session. However, when the witness emerged from the executive session, a Scripps-Howard reporter entered the room where the private hearing had taken place and was evidently told by staff director Arens what had occurred, for he immediately rushed to a phone and informed the Director of the Foundation how many times the individual involved had pleaded the Fifth Amendment. What did he intend to do about it? The Foundation refused to be blackmailed into revoking its grant.

The most fascinating journalistic experiment with the operation of a private exposure system took place in Cincinnati in 1950. In February of that year, the *Enquirer* published in its Sunday section the first of a series of six articles purporting to give the real lowdown on the menace confronting the city. Written by one James Ratliff, a reporter with a background of experience in army intelligence work, they were spread over a third of the front page of each issue.

The first installment was headlined: "Communists Mark 12 City Plants for Sabotage!" "178 Reds in Cincinnati, Including Professor, Three Doctors, 16 from Labor." But the story was coy about names: there were only three names in the text and none of the plants was identified.

The second article used equally large headlines to

charge Red control of two unions and infiltration of others. But still no names. The third article found Red penetration of the Democratic Party. In one primary election, "Two of them have been nominated and thus everyone in Hamilton County who voted the straight Democratic ticket in the November balloting where these Democrats ran, voted for actual members of the Communist Party." The article was not only silent about the names, but even failed to specify the year of the primary election.

As the articles rocketed across Cincinnati's Sunday breakfast tables, the demands mounted that the names of the comrades be disclosed. Employers wanted the names to make sure that their plants would not be blown up by their employees. Groups were demanding a purge of the University of Cincinnati; a lynch spirit was in the air. Some of the demands for identification came from labor groups who felt that they had been smeared by Ratliff's articles.

Early in March, before the publication of the final article in the *Enquirer* series, the two rival Cincinnati papers, the *Times-Star* and the *Post*, came to life. They exploded with stories relating that Ratliff and his informant, one Cecil Scott, a former FBI agent, had gone to Washington to enlist HUAC's aid. They attempted to get the *Enquirer* material, together with the names which the newspaper had withheld, into HUAC's records as "testimony." As such it would be libel-proof. But, the *Enquirer's* rivals reported, the Committee, after hearing the pair in private, refused to buy the package. Ratliff's information was hearsay; and as for Scott—he had a record of insanity. The *Times-Star* and *Post* subsequently published the fact that Scott was also a convicted forger. In addition, an important item of evidence submitted to the Committee turned out to be a forgery. The document had been altered to give it significance.

During the next few days, the two papers told of Scott's periodic confinements in a local mental hospital, and of his unsuccessful attempt to peddle his material to HUAC in 1949. The *Enquirer* had neglected to tell its readers (a) that Scott was the source of its disclosures; (b) that he was a convicted forger and a psychopathic personality; and (c) that Ratliff and Scott had gone to Washington to get the Committee to give them a libel-proof forum.

Instead of retreating quickly from its embarrassing po-

sition, the *Enquirer* charged in a lead editorial that its rivals had:

. . . lent themselves to a publicity blitzkrieg that couldn't have been better organized if the Communists' own Committee for Agitation and Propaganda had planned it. Reporters descended upon the House Committee preparing to sit in executive session, demanding to see the "super secret agent" in such a way as to make the Committee counsel suspect the whole matter was a publicity stunt. . . . The *Daily Worker* scarcely could have been more enthusiastic than our afternoon contemporaries and their radio stations when a hitch developed in presenting the evidence to the Committee!

The *Enquirer* responded to the gibes of its rivals by urging its readers to sign a petition which had appeared on its front pages for a number of weeks demanding that ". . . the names of Cincinnati Communists be exposed before the proper investigating authority in Washington. . . ." When the total reached a claimed ten thousand, Mr. Ratliff made a second trip to Washington demanding action. No one questioned this strange use to which a legislative committee was being put.

This time the Committee acted. It held a three-day hearing in July 1950, but even the five friendly witnesses could shake out only about 70 names—most of them from the distant past. The Committee again heard Scott in private session, this time for five days, but refused to release his testimony despite the insistence of the *Enquirer*.

Perhaps the real reason for the passion of the *Enquirer*, an arch-Republican organ, and the reluctance of the Committee (then under Democratic control) to publicly back up this paper, was voiced by Scott himself, who ascribed his rejection by the Committee to the fact that he "had stepped on the toes of Democratic bigwigs when he testified that some of the Democratic candidates had been connected with the Communist Party." Chairman Walter rejoined that he was "inclined to believe that his whole story was politically inspired."

But in 1952, Scott and the *Enquirer* finally got their libel-proof forum: the Ohio Un-American Activities Commission which first heard his testimony in secret and then

released it. During the course of the hearings before the Commission, in which four of Scott's victims denied his charges under oath, Congressman Velde, a Republican, who was about to assume chairmanship of HUAC, sent the Commission a wire that Scott in his appearance before HUAC "had presented creditable evidence of Communism throughout the State of Ohio. Some members of the Committee may have been disappointed with this testimony, but I wish to assure you personally that it was reliable."

Velde never explained why the Committee never printed the "credible" testimony or what had happened to a recommendation by Congressman Walter that Scott's forgery be referred to the United States Attorney. What is brilliantly clear is that a powerful newspaper sought to stampede a community into a lynch spirit. It used the Red issue for crudely partisan purposes and in the process made a hero and patriot of a forger and psychotic personality. It then recruited HUAC and the Ohio Commission to shield itself from the consequences of its irresponsibility.

While there is a substantial section of the press which brings a special dimension of sensationalism and witch-hunting to coverage of the Committee, many newspapers do not permit ideological considerations to color their reporting of the Committee. They, nevertheless, give prominent coverage to its hearings because they believe that the hearings of a Congressional agency are news. The late Elmer Davis, one of the severest critics of our press, has observed that the press has become the collaborator of the witch-hunting committees because of the desire of reporters and editors to remain "objective" by running stories "as is" just because "somebody said it":

. . . . most American news editors have abdicated their judgment, and decided that news is what is said by somebody of importance—even if it is demonstrably and even notoriously false. . . .

Consider Senator McCarthy: not a single one of his charges has ever been proved, most of them have been pretty conclusively disproved in public hearings, yet he can repeat those same charges and still get space in the papers, sometimes on the front page . . .

very often in papers whose editors may know that this is old stuff, may know that none of it has been proved and much of it has been refuted, yet who feel that if a United States Senator keeps on saying it, it would not be objective to refuse to print it. . . .

The reader lays down his nickel . . . for the paper, in the belief that he is going to find out what is going on in the world; and it does not seem to me that the newspaper is giving him his nickel's worth if it only gives him what somebody says is going on in the world, with no hint as to whether what that somebody says is right or wrong. . . .

. . . it makes a difference, a vast difference, to the health of the republic whether what is on that front page is what is so . . . or only what somebody falsely alleges to be so.

Many newspaper editors have become aware that the Committee has made them tools of its exposure operation. Some of them have accepted this role uncritically. They are content to stigmatize the unfriendly witness as disloyal without affording the injured individual an opportunity to reply. Nor do they register editorial protest against the abuses of the Committee.

But a growing number of dailies severely limit the publicity given to the Committee and its hearings. Included in the group are the *New York Times*; the *Washington Post*; the *Denver Post*; the *Hartford Courant* and the *New York Post*. A recruit to these ranks is the *San Francisco Chronicle*, which refused to print the names of a group of recently subpoenaed California teachers. These newspapers use their editorial columns to neutralize the harm done to those named in their news columns. They also carry the comments of the victims. A growing number of prominent and responsible newspapers have called for the Committee's abolition.

Perhaps the most serious shortcomings of the press is the failure to recognize *in print* the dangers in HUAC's abuse of the power of investigation. If newspapers have a duty to report what takes place in a hearing, they should also report what has not taken place. It is impossible to discover from accounts of Committee hearings what the purpose of the hearing is supposed to be and whether hearings conform to the purpose. Beginning with the Holly-

wood hearings in 1947, the press—even when critical of the Committee—has rarely bothered to explore the gap between the Committee's exposure activities and legitimate functions as an agency of Congress. Few newspapers have asked: Is exposure a function of a Committee of Congress?

Even moderate newspapers have acted as glorified press agents for the Committee's informers. An informer may fall on his face in public, but the press is either indifferent or silent. In the Owen Latimer hearings before Senator Tydings' subcommittee, one Larry Kerley, a former reporter for the *New York Journal American*, who subsequently became a staff member of the House Committee, was supposed to produce a witness who would swear that Latimer was a Communist. When the time came to produce this witness, John Huber, he "disappeared" from his hotel room. Kerley charged that he had been abducted and disposed of by the Reds and was probably "at the bottom of the Potomac." The simple fact was that Huber had "blacked out" and left town; whether or not under his own power, nobody knows. Few newspapers were curious about the backgrounds of either Kerley or Huber—although it was thought by many that Huber at the last moment had lost his nerve and refused to go along with what appeared to be a plot to "frame" Latimer. Instead, most of them printed Kerley's story about the Red abduction as though it were the truth.

While many newspapers generously report all of the Committee's doings, and unstintingly give space to its Chairman's most blood-curdling charges, few of them take note of criticisms of the Committee. The statement of Wisconsin Governor Gaylord Nelson calling for HUAC's abolition, the petitions of hundreds of university faculty members to the same effect, the spate of resolutions denouncing the Committee from all parts of the country, have been for the most part ignored by both the press and the wire services.

9 THE ROAD SHOWS

Legislative investigating committees usually hold hearings in Washington in order to give the committee access to its staff and files and to permit its members to discharge other responsibilities. But not HUAC. Since 1952, the Committee has divided its hearing days about evenly between Washington and the road. The Committee has never troubled to conceal the fact that these peripatetic endeavors are designed to extract a maximum response from the public—hardly a legislative end.

The Committee has made an institution of the "area" investigation. Other investigating committees concentrate on problems, but the Committee has an unquenchable zest for places (and, of course, the people in them). Since 1950, the following cities have received the area hearing treatment: Baltimore (1951 in Washington, and 1957); Boston (1951 in Washington, and 1958); Buffalo (1952, 1954); Chicago (1952, 1954, 1956, 1957 and 1959); Philadelphia (1952, 1953); Los Angeles (1953, 1955, 1956, 1958 and 1959); New York City (1953, 1955, 1956 and 1958); Columbus, Ohio (1953); Albany (1953, 1954); San Francisco (1953, 1955); Seattle (1954, 1955 and 1956); Portland, Ore. (1954); Newark (1955, 1958); Milwaukee (1955); Fort Wayne (1955 in Washington); Charlotte, N. C. (1956); Denver (1956); St. Louis (1956); New Haven (1956, 1957); Youngstown (1956); Atlanta (1958); New Orleans (1957); San Juan, P. R. (1959).

It may also be that the Committee travels so much to escape from the headaches and the responsibilities of the Washington scene. Why wrestle with real legislative problems when you can, without any effort at all, defend the country from the Reds and receive a crown of laurel from the local adoring patrioteers? Besides, on the road the living is easy. The Committee members have become enamored of the fleshpots of junketeering.

A series of articles by two reporters for the Knight news-

paper chain published in the summer of 1950, based upon a study of expense vouchers, disclosed that members of the Committee figure prominently among a group of Congressmen who have charged as hearing expenses lavish bills for hotel, food and liquor.

In May 1958, Committee member Moulder ran up a nightclub bill of \$90.38 at the Persian Room of the Plaza Hotel where he was occupying a \$21-a-day hotel room. Congressman Moulder's total four-day stay cost taxpayers \$282.17. His bill to the Government for a second four-day New York hearing in 1958 amounted to \$255.66—his hotel room alone was \$40 a day. A few months later, he and Chairman Walter, together with three staff members, ran up a \$900.22 bill in Los Angeles. Walter and Moulder, again with three others, returned to Los Angeles in February 1959 and outdid their earlier performance; the bill was \$1,187.64 for a four or five-day stay. Congressmen Moulder and Scherer, in March of 1959, managed, again with three staff members, to run up a bill of \$973.66 for a four-day stay at the Waldorf-Astoria in New York. The Government was charged additionally the sum of \$111.25 for the rental of Cadillac limousines.

Some of this extravagance is explained by the character and purpose of the Committee's road shows. When HUAC comes to town, it is surrounded by an entourage of police officers and members of the local security bureaucracy. Hospitality must be shown these people, for they are important adjutants in locating witnesses, keeping them under observation and developing testimony about them. Then, too, the friendly witnesses must be taken care of. Thus, on the floor of Congress, Congressman Moulder explained that he ran up one of his huge bills when he was host to "police officers, assistant district attorneys, FBI agents and sometimes two or three cooperative witnesses." Mr. Scherer told reporters that sometimes "a deputy marshal, a district attorney, a sheriff or a police chief" broke bread with the Committee in the course of "discussing evidence to be presented before the Committee the next day." Sheriffs and such undoubtedly never find their way to the tables and hotel rooms of workaday legislative fact-finders—but how appropriate that they should share the conviviality of the hunt with members of the Committee.

HUAC's drain on the public purse is further explained by another kind of hospitality which is rooted in the special

role it plays in our national life. The Rivers and Harbors Committee has no followers who are raised to ecstasy by its arrival in town for a legislative investigation. But the Committee's arrival is *der Tag* for the zealots who look to it to save the Republic from Reds and pinks. The subcommittee panel is hailed as a liberating army; ceremonies are held; patriotic citations are awarded. The Committee is not indifferent to the ardor of its admirers. It makes special seating reservations for them and gives them inside tips on what is planned for the hearing. A select few—the praetorian guard, as it were—are invited to join or attach themselves to the entourage; they eat and drink with the sheriffs, the FBI agents, the assistant district attorneys and the friendly witnesses. As Congressman Moulder described them to the Knight newspaper reporters, they are “friendly people—you might call them fans of the Committee . . .” A road show, then, is an occasion for a reunion of the Committee and its “fans.” This may not be an impressive function, but it is highly important in the exposure process: the Committee counts on its followers to carry through its propaganda and to execute its judgment and punishment of the unfriendly witness. The local hearing renews the faith of the faithful and invigorates their zeal.

These extraneous motivations rarely compete with a bona fide legislative purpose. HUAC's road shows assemble the same “facts”—over and over again. For example, many Americans learned, to their amusement and disgust, in the summer of 1960, that the Committee had carted around a New York customs official and put him on the stand in ten different hearings in ten different cities to give (at public expense) precisely the same testimony each time. Two more hearings along the same lines were held after the disclosures were made, bringing the total number up to twelve.

When the Committee travels, it does not neglect the home states and districts of its members. The Committee has already conducted investigations in the home districts or states of eight of its nine members. This enables the local man to shine at the local investigation over which he presides as chairman.

The Committee works up a particular concern with subversion in the home districts and states of its members in election years. In 1952, 100% of the hearings away from Washington between January and Election Day were held

in the home states of members, and 27% in their home districts. In 1954, during the same period of time, out of 34 hearing days away from Washington, 26 (77%) were held in members' home states and 10 (29%) were held in their home districts. In 1956, during the same period, out of 23 hearing days away from Washington, 13 (57%) were held in members' home states and 6 (25%) were held in members' home districts. In 1958, out of 18 hearing days away from Washington, one-third were held in members' home states and 3 (18%) in members' home districts. From 1952 and 1958, between January 1 and Election Day in each election year, a total of 67 hearing days were held in members' home states and 25 in members' home districts—69% and 26%, respectively, of the total number of hearing days spent away from Washington.

Unless one is prepared to believe that the members of the Committee have particularly subversive constituents, one must conclude that, in part at least, politics has replaced legislation as a motivation for the hearings.

In recent years there have been three Committee hearings in the South: New Orleans, Charlotte, North Carolina, and Atlanta. The New Orleans hearing was conducted by Mr. Willis of Louisiana. The other two were conducted by Chairman Walter of Pennsylvania. This was no coincidence. The Chairman of the Committee is a close ally of the Southern Democratic bloc; he is grateful for their enthusiastic backing of his Committee; his personal participation in the Charlotte and Atlanta hearings, both held after the Supreme Court's desegregation decision, was simply a gracious expression of support in an hour of need.

The Committee has always been extraordinarily responsive to the needs of its friends and supporters and has not been averse to using its processes to help them. It has intervened in labor disputes on behalf of employers and permitted its powers to be used to aid a favored participant in representation elections, or a faction in an intra-union dispute.

Individuals of the proper background can put the Committee into action. As HUAC has stated,

The Committee has formulated the policy of investigating complaints received from American citi-

zens who have the interest of the United States foremost in their hearts and minds. In each instance the Committee has undertaken an investigation only upon complaints by citizens.

When the Committee sought to investigate the radio broadcasts of certain news commentators, Congressman Landis explained, "As a public agency we are compelled to respect a reasonable request from substantial citizens." As we show later, individuals can obtain access to the Committee's facilities for clearance purposes.

Committee attacks on the social gospel movement of the Methodist Church in 1952 and 1953 were sparked by the Circuit Riders, a private religious grouping close to Chairman Velde and the Committee staff. The Committee even sent Circuit Rider literature to the Network organizations. Of similar origin was Congressman Walter's attack in June 1959 on the American Art exhibition in Moscow because of the alleged backgrounds and opinions of the artists. Walter's concern for the political purity of American art was believed to have been inspired by a small group of American sculptors who, as consistent recipients of Government art commissions, have a vested interest in confining and controlling Government art activities. This use of political weapons to entrench officially favored artists is, of course, a phenomenon made familiar by Fascism; but it is hardly impressive as an expression of legislative purpose.

Local road shows are more effective in stirring up hostility to the unfriendly witnesses and in forcing their discharge from employment than a Washington hearing. A Washington hearing is not televised, and because it is relatively remote, press coverage is seldom complete. Then, too, the local Network organizations are harder to mobilize.

For example, in 1951, HUAC held hearings in Washington on "the defense area of Baltimore." HUAC had an excellent witness, Mary Markward, an FBI undercover agent who named over a hundred names of Communists. In her career as a professional witness, Mrs. Markward has named a total of 318 names. In 1959, the Subversive Activities Control Board ruled that her testimony should be assayed with caution.

Somehow, her identifications did not procure a completely effective result. Numbers of people whom she named, as well as a large number of unfriendly witnesses, held onto their jobs.

There were two reasons for this: there was no telecast of her testimony, and the Baltimore press ran it on the back pages.

HUAC decided on a second try at Baltimore in 1957 to see if it could do better. (In fact the 1957 hearings were the fourth round. Dies had come to town in 1940, and a hearing was held in 1954.) This time it would hold its sessions on the spot and line up the press for sensational coverage. A second reason for coming to Baltimore was the need to stimulate support for an appropriation for the enforcement of the Ober Law, a Maryland antisubversive statute.

On April 24, the Baltimore papers reported a speech by one Louis Schmidt before the Minute Women of Baltimore, discussing the forthcoming House hearing. Curiously enough, Schmidt was not an agent of the House Committee, but an investigator for the special state unit in charge of the Ober Law. This agency was faced with extinction both because its entire budget had been wiped out and because a Supreme Court decision had ruled that Federal antisubversive legislation preempted the powers of the states. Schmidt urged an aggressive campaign by the Minute Women for the support of a bill in Congress restoring the dual sovereignty of the states in the antisubversive field and action in the state legislature to restore the budget cut. All this would be understandable enough, but what is striking is the way in which Schmidt used the authority of the House Committee to give weight to his plea. He announced in advance how many individuals would be subpoenaed for the House hearing and asserted that the foundation of the hearing would be the material amassed by the Maryland unit. This was nonsense, since the hearing was based entirely on the disclosures of FBI agents.

On the eve of the televised hearing, both Walter and Arens issued statements. According to Arens, the Baltimore hearings were of special importance because Baltimore was in the same organizational district of the Communist Party as the Nation's capital. Walter explained that "new techniques of conspiracy" had recently been adopted by the Party which required probing.

The *Baltimore Sun* of May 7, the day of the opening of the hearing, ran a screaming headline on the front page—"Undercover Agent Tells of Communist Cell Here." The story stressed the fact that the Committee's chief witness, an FBI informer, had met with Communist Party associates only the previous night. All those identified by the witness were listed, but there is nothing to indicate that they have engaged in any unlawful activity. A curious circumstance in connection with the testimony of the FBI agent, Miller, completely escaped the attention of the press. Although Miller was to be the star witness, he was placed under subpoena by the Committee along with the unfriendly witnesses.

A subsequent edition of the *Sun* ran a story with a new but equally large headline, "Three Bethlehem Workers Plead the Fifth at Red Probe." This story contained full identification of the witnesses, complete with photographs. The informer witness praised the Ober Law frequently and lavishly, its administration and effectiveness, how the law forced the Communists underground and how they emerged when a judge, whose ruling was subsequently reversed, held the law unconstitutional.

The *Sun* of May 8 likewise ran a large headline, "5th Amendment Is Invoked by 6 Sparrows Point Steel Workers at House Communism Probe Here," a piece of news which the paper thought deserved more prominence than Ex-Secretary Dulles' review of NATO's stand on atomic arms, or the conference between MacMillan and Adenauer, which occurred the same day.

On May 8, 1957, the *Sun* reported the second day's hearings with equal prominence. Its lead headline, printed in enormous type, "Red Probe to Quiz More Named as Reds Here." All of the witnesses who pleaded the Fifth Amendment were carefully identified and pictured.

On the evening of May 8, the *Sun-Post* ran a screaming headline, "Says Reds Infiltrate PTA, YWCA, Voters League Here," and the *Sun*, also in the largest type available to it, ran a headline "7 More Named as Reds Plead 5th at Probe Here." In this story, Chairman Walter deploras the ease with which those who plead the Fifth Amendment obtain new employment or hold on to their jobs. Walter said he "may recommend new laws requiring closer employment checks by industries handling government contracts." Mr. Arens, according to the *Sun*, interjected

the observation that "a very significant amount of propaganda from behind the Iron Curtain arrives in the Port of Baltimore. It is part of the vast quantities arriving by the ton in the United States in violation of the law."

The *Sun* of May 9 thought the fact that "House Probers Name 3 as Red Leaders in Local Area" the most important piece of news which had occurred the day before. Its detailed story of the testimony identified seven more witnesses who pleaded the Fifth Amendment, gave their addresses and occupations, and the photographs of some of them. The testimony of a second undercover agent was liberally quoted and, again, no mention is made of illegal activity. A companion story indicates that some of the workers at the Bethlehem Steel Company had refused to work with one of the unfriendly witnesses.

The *Sun* of May 10 ran two front-page headlines summarizing the hearings: "Teacher, Lawyer, 7 Others, Plead Fifth Amendment"; "Unfriendly Witnesses Total 22 as House Unit Ends Its Hearings Here." This story quotes the Committee statement at the close of the hearing, expressing hope that the Ober Law enforcement unit "will be continued and strengthened in the splendid work it has been doing." A companion story bears the headlines "Bethlehem to Fire 6; Workers Took the 5th Amendment at Hearings."

The *Sun* of the same day (May 10) further deals with the aftermath of the hearings. The newspaper reports "Police Protection Ordered For 2 At Red Probe." The story describes how a lady FBI agent had received embarrassing telephone calls from a man who made improper proposals, while one of her victims had a brick thrown through her window. The *American* of May 12 describes more fully how two days after the brick was thrown, a "jeering, laughing crowd of about 75 persons demonstrated last night in front of the home of a woman who pleaded the Fifth Amendment when questioned by the House Un-American Activities Committee. . . ."

Probably the outstanding example of a road show which was conducted to serve private ends is the 1959 Chicago hearings which were held ostensibly for the purpose of investigating Communist infiltration of defense-connected labor unions. The Committee questioned eight officials of the United Packinghouse Workers, a labor organization,

from a district director down to organizers—two Packinghouse office secretaries, a building manager, and two individuals who at one time had been connected with the union. All 13 of those subpoenaed swore they were not then Communists. Most of them swore they had not been Communists in the past five years. All 13 invoked the Fifth Amendment in response to questions, posed in various forms, as to whether they had ever been Communists. The three friendly witnesses included a member of Patrick Gorman's rival Amalgamated Meat Cutters. These witnesses admitted that they had left the Communist Party ten years ago, but asserted that the Packinghouse Workers was infiltrated by Communists.

The Committee never convincingly explained what all this political archaeology had to do with the Nation's security: how a meat packer's former membership in the Communist Party threatened our ramparts. But the true reasons for the hearing were barely concealed. The hearings sought to discredit and embarrass the Packinghouse Workers Union on the eve of crucial collective-bargaining negotiations with the leading employers in the industry. In addition, it gave Gorman a desperately needed reason for rejecting a merger with the Packinghouse Workers, widely sought by the rank and file of both unions. Gorman, who had denounced the McClellan probe of alleged Meat Cutters' corruption as "a putrid process of snooping," hailed HUAC's disclosures in these words: "As long as officials of the Packinghouse group hide behind the Fifth Amendment to keep secret their service to the Communist Party, our Union will never merge. We believe the House Committee proved our case for us."

The Committee had another private client on whose behalf it was conducting the hearings. A disgruntled Packinghouse vice president who was dropped from the union had filed charges with the AFL-CIO of Communist infiltration. It is well known in labor circles that the charges were kept alive by the pressure of certain officials in the Meat Cutters, eager to embarrass the Packinghouse Workers. Indeed, shortly before the hearings were held in Chicago, AFL-CIO President Meany announced that he was conducting an investigation of these charges to determine whether they warranted further inquiry by the AFL-CIO Ethical Practices Committee.

But these weren't the Committee's only private clients

by any means. Al Hayes, President of the International Association of Machinists, had long been embarrassed by a rank-and-file revolt against the business agents of Lodge 113, IAM, in Chicago. After the reformers forced the resignation of the business agents in 1956, they were required to accept a shackling trusteeship, over three years old at the time the hearing was held. Hayes and his International Union were prominent in the group of unions which had recruited the assistance of the Committee to solve their internal problems. As the labor reporter of the *Chicago Tribune*—a private Committee pipeline—put it in describing the investigation more than a month before the hearing, "The probe has received the full cooperation of a large number of large international unions, including the AFL-CIO International Association of Machinists which has been fighting a bitter and expensive battle with left-wing elements trying to take over locals representing tool and die makers." The rank-and-file revolt had to be quelled. The trusteeship had failed; what better instrument than the Committee?

The Committee's capacious security cloak, which had without difficulty enveloped subversive meat packers, had plenty of additional room for tool and die makers, a trade which has a natural security flavor. But obviously something more than a passion to perfect our defenses had led the Committee to concentrate on the very local with which President Hayes was having trouble and on the four individuals who were leaders in the rank-and-file movement to lift the suspension. Not even a stab was made at linking the four subpoenaed witnesses to security-sensitive posts. And the Committee's highly unlegislative aims were exposed from another quarter: it developed that the Communists had opposed the rank-and-file movement and had expelled one of the witnesses for favoring it! To make matters even worse, the chairman of the rank-and-file group denied a charge—apparently based upon information supplied to the Committee by his enemies in the International Union—that he had ever been a Communist or under Party discipline. (The witness, in the context of an interrogation about Communism, was asked whether "the figure E-88239" registered with him. By a peculiar coincidence, it turned out to be his union card number.) The rank-and-file leader put it mildly indeed when he complained to the Committee at the close of his testimony:

. . . I want to point out one fact, that I as a chairman of the committee to lift suspension of Local 113, which is the rank and file union in my union, feel that by being called before this committee . . . has served a purpose contrary to the objectives for which the membership of Local 113 or at least a very great segment is striving for, namely to lift suspension of their organization.

While the Committee was using its process to help the Meat Packers, the Amalgamated, the IAM, and Mr. Hayes in this strange investigation, it did not neglect its own interests. Despite its announced intention to confine itself strictly to the subject matter of the hearings, labor, it found time to subpoena and harass two individuals who were officers of a civil-liberties organization which had issued and distributed a pamphlet protesting the hearings as an interference in the internal affairs of unions and calling for the abolition of the Committee. Subpoenas were served on them a few days before the hearing and about a month after all of the other witnesses had been called.

In 1954, the Ohio American Legion called for a Committee investigation of Antioch College, long a citadel of midwestern liberalism. The demand was spearheaded by State Senator Lowell Fess, a Yellow Springs Republican, who saw in the friendly relations of Negro and white students at Antioch an example of "communistic subversion." His patriotism was particularly aroused by the campus performance of Othello in which Desdemona was portrayed by a Negro girl. Joining in the clamor for an investigation was the publisher of a dying local hate sheet, the *Yellow Springs American*, who ascribed the failure of his newspaper to a boycott, allegedly inspired by "left wing" elements. Committee member Scherer, a Republican from nearby Cincinnati, presided over the Committee hearing which, by a familiar coincidence, was held on the eve of a hotly contested election.

A local banker and a retired professor also swelled the chorus of requests for a hearing to rout the Antioch Reds, promising sensational testimony. They appeared in executive session, but their testimony was never printed—an almost certain indication that they had produced nothing

which the Committee could use. After all this fanfare, Scherer flushed only one Antioch faculty member. He testified that he had, for a few months, nine years earlier, belonged to a Marxist study group. But even this wan intelligence was further diluted by the admission of the Committee's informer witness that the group was "entirely open—advertised as such—and never conducted in any other way."

When the faculty member was retained by the college, the *Cincinnati Enquirer* urged that the inquiry be resumed. It claimed that it had discovered new evidence of subversion at the college. The Committee at first considered the possibility of reopening the hearings and then settled for an attempt to get the faculty member fired by citing him for contempt: he had refused on moral grounds to name the other members of the study group. The college refused to back down; the contempt indictment was dismissed, and thus ended the great Antioch subversive plot, a silly affair, perhaps, when viewed as a legislative investigation, but a sturdy reminder that the Committee does not let its friends down.

The Committee is partial to area hearings as a device to give the *coup de grâce* to a teacher or professor who is under fire. In March 1953, the Committee heard an Ohio State professor in Washington hearings on "infiltration into education." Thereafter the professor was suspended; he had told a university investigating committee, which was considering whether to recommend his discharge, that he was not and never had been a Communist Party member. Mr. Scherer promptly—in June 1953—brought a HUAC posse to Columbus, Ohio, to expose the professor for having made such a denial after having declined to answer before the Committee and, of course, to convert his suspension into a discharge. While Scherer was at it, he summoned the professor's wife and sister-in-law and subjected all three of them to a police-court grilling. When the record of this lynching party was printed, it was called, "Communist Activities in the Columbus, Ohio, Area."

10 SAN FRANCISCO

In June 1957, the Committee returned to San Francisco for the third time in three and a half years. In December 1953, it had held five days of hearings which had produced a crop of 326 names, supplied by a group of ten friendly witnesses, half of them FBI plants. A 1956 two-day hearing consisted of a foreign propaganda curtain-raiser and an instalment of the Committee's nation-wide hearings into the machinations of the foreign-born.

The June 1957 hearings are of more than routine interest. The hearings were held the day after the Supreme Court decision in the *Watkins* case. The newspapers of the community—with the exception of the Hearst press—had shown increasing coolness toward the Committee; prior to the Committee's appearance a subpoenaed witness had committed suicide; in March 1957 the board of governors of the California Bar Association had rebuked the Committee and its staff director, Arens, for their undignified and offensive conduct of hearings the previous winter and their abuse of lawyers appearing on behalf of witnesses.

A month prior to the hearings, the *San Francisco News* reported that subpoenas had been issued to 49 individuals in the area and commented editorially that, "The community has an obligation to its neighbors to insure that those who are called are not tarred before all the evidence is in."

The hearings were preceded by a series of advertisements signed by four individuals, appealing to area residents to consider for themselves whether the Committee was acting illegally and quoting comments on the Committee's abuses.

Shortly after midnight on June 16, a subpoenaed witness, William K. Sherwood, a Stanford University research scientist, killed himself. Before he went to his laboratory he left a letter declaring, "I will be in two days assassinated by publicity. . . . I would love to spend the next few years in laboratories, and I would hate to spend them in jail."

He added in a farewell letter, which had been addressed to a research colleague, "I have a fierce resentment of being televised." A statement prepared for submission to the Committee charged that the hearing was intended to deprive him of employment and of the opportunity to continue his research. He wrote that the Committee's interest in him stemmed from activities some 10 or 15 years earlier, prior to the time he had begun scientific work, and that the Committee's "trail is strewn with blasted lives, the wreckage of useful careers."

Sherwood had sought a three-day postponement of his hearing to enable him to read a paper at a Vancouver, British Columbia, conference. His paper, read after his death, was highly praised. He had been studying for a doctorate in biochemistry and had passed his written examination with the highest rating in his group. Described by his colleagues and superiors as a "brilliant" researcher, he had been working on a project which gave promise of establishing a link between cancer, some forms of heart disease and schizophrenia.

Sherwood's charge—echoed by his widow in a statement which she was not permitted to present on the opening day of the hearing—that his associations in the remote past had occasioned his subpoena, were confirmed in part at least by a Committee statement, offered when the local newspapers pressed for some explanation of the reasons why Sherwood was called. The Committee claimed that it was pursuing a lead arising from a 1955 hearing at which an individual with the same name was alleged to have been a "contact man" for a "Marxist discussion group" in 1938. At that time Sherwood was 22 years old. A Committee spokesman said that investigators later gathered "other information we are not at liberty to divulge." According to Sherwood's attorney, the only other "information" was the fact that a few months prior to his subpoena he had declined on three occasions to cooperate with the FBI. Other witnesses who were called had been similarly interrogated and at least one was told by an FBI agent that unless he cooperated by naming names he could expect a Committee subpoena.

There was a further indication that the Sherwood appearance was in reprisal for his refusal to identify left-wing associates and that he was to be subjected to exposure by the airing of stale material in the files of the

FBI. Some 15 years prior to the hearing, Sherwood had been interrogated by the FBI and cleared of "security risk" charges inspired by the fact that in 1934 he had worked in Paris as an expeditor of medical-supply shipments to the Spanish Loyalists.

Rarely had the Committee's puitive purposes found so dramatic an expression. San Franciscans were shocked; at what point in life can a man find asylum from persecution for his past? What could the Committee have learned from this sensitive scientist that it or the FBI did not already know? What legislative need required that he be called from his laboratory, subjected to job-threatening pressures and even denied a postponement to enable him to read a scientific paper?

The Committee could not rest on its initially advanced reason of the witness' 20-year-old connection with a Marxist study group; the exposure purpose behind this justification was too close to the surface. When Walter arrived in San Francisco, he callously told reporters, "Well, it is certainly unfortunate that we couldn't interrogate him." Walter then added that Sherwood's death was "unfortunate" for the Committee, "Because we have every reason to believe that he had valuable information on the operation of the tax-exempt foundations and how they select the recipients of their grants." He denied that the Committee was responsible for the suicide which, in the language of the San Francisco *Chronicle*, Walter ascribed to "fear of going to jail rather than fear of exposure." But, as the *Chronicle* story points out, Sherwood's farewell letter had said, "My life and my livelihood are now threatened by the House Committee." Sherwood did refer in his farewell letter to "jail," but it was in a context of punishment by the Committee.

Walter's reason for calling Sherwood is no more impressive than his alleged connection with a Marxist study group in 1938. The Committee had already circulated detailed accounts of the matters under investigation in order to refute charges that the probe was in retaliation for the censure of the Committee in March by the California Bar Association. It had not even hinted at such a line of inquiry. No other witness was asked about foundations, nor did Walter particularize what "valuable information" Sherwood, who had been working at Stanford for ten years, possessed on this subject. Illegality breeds deception.

The suicide left the Committee with few friends in San Francisco. The local ACLU branch demanded the cancellation of the hearings; the Chairman said, "Those who were subpoenaed are going to be tried for their past associations and opinions. . . . I hope the ghost of this man appears at the hearings." Roger Kent, Chairman of the California State Democratic Central Committee, bitterly condemned the Committee: "It is the circus aspect of the hearings that drive people to this. The investigators are asking for information they already knew from FBI files. . . . This suicide is a new bit of evidence to awaken the people of the United States to the fantastic injury done to people by these things."

The suicide had more than a local impact. The reason for Sherwood's failure to appear at the Canadian conference was no secret to the international audience of scientists at Vancouver. Many of the Canadians present were all too familiar with the exposure-smear tactics of United States antisubversive Committees. On April 4 of that year, Canadian diplomat E. Herbert Norman had committed suicide in Cairo as a result of the smears of the Senate Internal Security Subcommittee. His death shocked the Canadian people and resulted in a protest against the subcommittee's vicious tactics.

Sherwood's death coincided with Supreme Court rulings curbing the Committee (the *Watkins* case) and restricting the application of the Smith Act (the case of the California Communists). But most British newspapers gave secondary importance to the decisions and featured Sherwood's suicide. The *Daily Mirror*, British multimillion circulation daily, printed a lengthy report of the suicide, to which it appended the account of the decisions as an ironic after-piece. The *News Chronicle* devoted detailed attention to the Sherwood story on its front page and carried the court story on page two. Mexican newspapers likewise gave prominent coverage to the tragedy.

On the morning of the commencement of the hearings, June 18, the San Francisco *Chronicle* printed the first of a series of editorials critical of the Committee. It urged the Committee to conform its procedures to the limitations of the *Watkins* case. Of the suicide, it said that it "speaks eloquently of the terrible power which a congressional investigation exerts when operating in this particular field. The fact is that this committee has so aggran-

dized itself in the public eye that a mere subpoena has the look of guilt and can blast an innocent career or ruin a life unnecessarily."

When the afternoon session of the first day's hearings opened, Sherwood's widow, mother of four children, sought leave to make a statement; the Chairman brushed her aside and she left the hearing in tears. Her statement printed in whole or in substantial part by all of the San Francisco papers, said:

**MEMBERS OF THE UN-AMERICAN ACTIVITIES
COMMITTEE:**

You have helped to kill my husband and make my four children fatherless.

That is our personal tragedy.

It is as nothing to the crime you have committed against the children of America and the children of the world.

For when you drove my husband to his death, you destroyed a man of bright promise, a talented fighter in the army of devoted men who are warring against disease.

My husband thought that he had found an important clue to the understanding of cancer and schizophrenia. Perhaps he was mistaken. Only time, and the opportunity to continue his researches could have supplied the answer.

This opportunity your Committee has denied him, and the loss is not only mine.

Throughout his lifetime my husband had but one goal—to ease the suffering of mankind.

It was this goal that drew him to support the Loyalists in the Spanish Civil War, that inspired his youthful identification with radical causes. It was this goal that led him, when greater maturity had mellowed and deepened his understanding, to abandon politics completely and devote himself single-mindedly to science.

Is it a crime for a young man in his twenties to dream of a bright new world?

Must the children of our country leave their idealism in the cradle so that their future careers

will not be blighted by the Un-American Activities Committee?

And is it befitting, now that he is dead, that you insinuate he was a traitor to his country?

Is not his death enough for you?

Must you besmirch his honor, now that he is no longer able to answer you?

Members of the Committee, what you have done and what you are doing is an evil thing. Do not persist in it. Go away, go home, bow your heads in prayer, and ask forgiveness of your God.

After the rebuff to Mrs. Sherwood, her lawyer was served with a subpoena to appear and testify. It was later canceled, manifestly because the Committee had no convenient pretext such as tax-exempt foundations to conceal its vindictive use of its powers.

On June 20, the third day of the hearing, Sherwood's widow brought an action in the California Supreme Court against Walter and his colleagues, charging a "conspiracy to commit a wrongful death," and asking \$500,000 damages as a result of the Committee's "malicious, oppressive and punitive" conduct.

The complaint alleged that the Committee had announced its intent to televise the hearings in "deliberate defiance of the rules" of the House of Representatives and that this announcement contributed to the suicide. Mrs. Sherwood charged that the Committee knew that at least 11 persons had committed suicide or died of heart attacks while under Congressional investigation. The Committee members thus had knowledge that an exposure hearing could produce fatal consequences and thus could not escape responsibility for the tragedy.

The suit stressed that the reasons for calling Sherwood were punitive; the Committee members knew that the plaintiff's husband had "not been engaged in any kind of political activity for more than ten years" and "had no information pertinent to any matter properly under inquiry by the sub-committee." The reason for Sherwood's subpoena, Mrs. Sherwood charged, was to "publicize his past beliefs, expressions and associations, to expose him for the sake of exposure alone . . . to subject him to public stigma, scorn and obloquy, to bring down upon him and his family the violence of public reaction . . . to cause him

to suffer loss of employment . . . and to deny him the opportunity to continue his scientific career." As a further evidence of the Committee's malice, the complaint pointed to its denial of a requested postponement of the date of Sherwood's appearance and the deliberate advancing of the date to prevent him from attending the Vancouver meeting.

The lawsuit was reported in all of the San Francisco newspapers as prominently and sympathetically as the suicide itself. A tragedy had occurred; but as a result of it a community was learning about the abuses of Congressional powers. The Committee ignored the suit on the ground that their conduct was protected by Congressional privilege. Walter, true to form, attacked Mrs. Sherwood's lawyers as Reds.

He then read from a written statement. "The possible reasons for this action [the suicide] will be fully examined, particularly in view of the fact that the decedent expressed apprehension lest he be sent to jail for three years, and the statement by the plaintiff that her husband had worried for a long time over financial conditions."

Walter thus carried one step further the fear of jail theme of his initial interview; now the suggestion was that Sherwood feared a three-year jail term for some unspecified offense wholly unconnected with his Committee appearance. This was more than a conscienceless misrepresentation of Sherwood's words, linking his fear of jail with the Committee, but a vicious innuendo that fear of punishment for a crime was responsible for Sherwood's self-destruction. Sherwood had been plagued by financial difficulties and his widow *had* referred to them. But the fact is that Sherwood had not only blamed the Committee in two formal written messages, but had brooded about the Committee's threat to his livelihood and career from the time he received his subpoena. On May 22, he had written to his attorney, a personal friend, about his fears. Financial worries are hardly relieved by a Committee subpoena to an exposure hearing.

Walter's promise that the causes of the suicide would be "fully explained" appears to have been a way of using the Committee's authority to attack the lawsuit and Sherwood without answering the charges in court. A short time later, Mrs. Sherwood withdrew her action and said that it would

"only bring more grief, pain and publicity to a family already overwhelmed with these conditions."

Sherwood's death and the lawsuit sharply focused attention on the Committee's use of television as an exposure weapon. The newspapers in San Francisco repeatedly called attention to Sherwood's tormented farewell letter, "I will be in two days assassinated by publicity . . . I have a fierce resentment of being televised." The *Watkins* decision had rejected exposure as a proper Committee end, and had emphasized that the publicity resulting from the Committee's procedures could seriously injure not only those called, but that "those who are identified by witnesses and thereby placed in the same glare of publicity are equally subject to public stigma, scorn and obloquy."

When the hearing opened, the Committee followed its customary practice of asking television cameramen not to focus on the witness if a request to that effect was made. The friendly witnesses, whose testimony took up much of the first two days of hearings, did not object. On June 19, the third day of the hearings, the Committee's television procedures were challenged in an unexpected quarter. Newsmen in Washington called Speaker Rayburn's attention to Sherwood's farewell letter. Expressing surprise that the Committee permitted such practice, he stated that he had specifically ruled in 1952 and 1955 against televising hearings, and that this was applicable to the Committee. He promised to put a stop to televised Committee hearings in Washington and out of town.

The San Francisco *News-Call-Bulletin*, which made the issue a crusade, ran an extra edition on the evening of June 19 with huge headlines across the entire first page:

RAYBURN BLASTS TV OF RED PROBE IN S. F.

The *News-Call-Bulletin* reported Rayburn's ban and quoted Walter's reply to a question whether the telecasts would continue: "I don't know any reason why we shouldn't." He admitted that he knew of the Speaker's rulings, but could give no reason why they were being violated. At the next day's hearing, a witness included among his reasons for resisting questions the fact that the hearings were being televised in defiance of the rules. The Chair replied, "The Chair is not aware that there is any

such rule"—a direct contradiction of his statement to the *News-Call-Bulletin*.

According to Washington press accounts, Rayburn became furious on learning of Walter's defiance: "There will not be any more committee or subcommittee hearings in Washington, or anywhere else, televised or broadcast by radio. Period!" Walter's defiance of the Speaker had an unanticipated result: it persuaded many Congressmen that Chief Justice Warren's rebuke of the Committee in the *Watkins* decision was well grounded. A member of the Committee, Clyde Doyle, who, though he came from California, had stayed behind in Washington, agreed with the Speaker: "We're all familiar with the Speaker's ruling and we have no business permitting TV hearings"—a strange confession from the Californian who had permitted television not only as a subcommittee member, but as Chairman.

When Walter learned of Rayburn's second flat pronouncement that the televising of the hearings must be halted, he told the reporters, "I can't do anything about it. We are the guests at City Hall. I can't do anything about television, radio or the newspapers." If he received a direct order from Rayburn, he added, "The answer would still be the same." Walter's pretext for defying the Speaker is too ridiculous for comment; the television station told newsmen that it would abide by any order by Walter on the subject of television.

A further reason for disregarding the TV ban, Walter told reporters, was the fact that Washington attempts to halt the hearings were "backed by Communists." Since the Speaker had made it clear that he did not intend to communicate directly to Walter but expected him to abide by the ban which reporters had made known to him, Walter felt safe in refusing to prohibit television on the new ground that he had not heard from Speaker Rayburn, although he had previously said that a direct order would make no difference.

Walter's persistent defiance of the Speaker drew from Representative Cannon, House authority on rules and precedents, the comment that Rayburn's ruling was binding on Walter unless reversed by the House itself. Violation of pending rulings, he said, could be punished as contempt of the House or through censure proceedings.

The television controversy showed the people of San

Francisco that a committee of government could be arrogant, evasive and dishonest. The Chairman's determination not to sacrifice the exposure power of the hearing to the discipline of parliamentary government brought home to the community how ruthlessly the exposure purposes of the Committee are implemented. Most importantly, many realized that the Committee is not wholly without external restraints; it is an agent of the House of Representatives. The Committee has always sought to exploit the powers and prestige of the Congress both in attacking witnesses and in wooing community support. But people were beginning to ask, does the Congress really know and sanction what is done in its name? Chief Justice Warren, with long experience in government, shrewdly made this question the matrix of his *Watkins* opinion: "There is a wide gulf between the responsibility for the use of legislative power and the actual exercise of that power." In a completely unprecedented episode, the community learned that the gulf was far wider than the Committee would care to admit: that the Committee Chairman used the power of Congress only to aggrandize himself and was seeking to convert the Committee into an autonomous instrumentality.

The press dramatized this gulf in a truly remarkable way. The San Francisco newsmen acted as representatives of Speaker Rayburn in confronting Walter with the Speaker's ban and in reporting back his repeated defiance of it. Nor did they hesitate to lay bare the shabby shifts and dodges to which the Chairman resorted to prevent a curb on the Committee's lawlessness.

The vigorous handling of the issue by the press may only prove that it needs a Speaker to give it courage. But the role of the *Chronicle* proves something more. The newspaper published two editorials on this single issue. In the first, "When Conscience Is On The Rack," it examined the role of all forms of publicity in hearings invoking matters of conscience. It concluded that no special rules should be laid down for television, and that "where judicial and legislative enterprises are open to press and public, they ought also to be open to television."

However, the editorial insists, hearings involving matters of the kind inquired into by the Committee should be shielded from all forms of publicity:

When hearsay information and sketchy bits and

pieces of unsubstantiated evidence and rank rumors are produced in the locked and guarded confines of a Grand Jury room, little harm results. When paraded amid the ballyhoo of an open, public, legislative inquiry, they may mean disgrace and ruin for innocent or mildly censurable citizens. . . .

. . . Thus it feels that an overhauling of the technique of legislative inquiry may be in order; that the protection of private hearings might well be accorded persons under inquiry on matters of conscience and belief. Where substantial evidence of guilt is developed, it will become public knowledge as it passes through the established channels toward prosecution. Where there is no such evidence, needless and tragic injury will have been avoided.

A second *Chronicle* editorial on July 1 recounts that after the hearing a conference between the Speaker and Walter had resulted in an announcement that the hearings would no longer be televised. Walter explained that he was unaware that the rules promulgated in 1952 and 1955 were still in effect. The editorial rejects this excuse:

. . . Walter's statement is not entirely in accord with the facts. On the second day of the hearings here, the local press carried a statement by Speaker Rayburn, from Washington, that the televised hearings were against House rules. When queried by reporters, Walter said that he would go ahead until he received an order to the contrary from Rayburn. That word was carried by Washington reporters to the Speaker, who said that he considered his press statement adequate warning to Walter. The show went on.

Why does Walter not deserve punishment for his contempt?

. . . The whole affair is being chalked up to a "misunderstanding" of Rayburn's ruling, and hence no punishment is expected.

Actually, Walter was in clear violation of House rules, and proceeded with that knowledge. We have (on television) heard and seen Chairman Walter speak of the dignity of Congress and the necessity of according it proper respect. Many people have been

indicted for contempt for their failure to do so. How now, Chairman Walter?

In the years since the San Francisco hearings, the Committee has continued to televise hearings with impunity. No reporters or editorial writers have raised their voices in protest. Maybe they are waiting for another suicide.

Prior to the hearing, there were persistent reports that the proceeding would be used to strike back at the California Bar for its censure resolution of March 1957. On the eve of the hearing, Roger Kent, the California State Democratic Central Committee Chairman, a San Francisco lawyer, who subsequently denounced the Committee for its circuslike tactics, issued a statement declaring:

Chairman Walter can do nothing but injure the prestige of his committee if he comes to San Francisco, blasts the California State Bar and disregards its constructive criticism of his committee's outrageous actions in Los Angeles last year.

Californians are more likely to put their confidence in the Board of Governors of their own State Bar than in one angry Congressman. I believe, too, that Californians would like to see committee procedures show respect for the constitutional rights of individuals, and I sincerely hope that the San Francisco proceedings will be conducted in that manner.

But Mr. Kent hoped in vain. When Walter arrived at the airport, he denounced "interested parties" in the state bar for the censure action. This seemed to be an attempt to question the representative character of the action, although it was overwhelmingly supported by California lawyers. Representative Scherer told reporters that he planned a "personal answer" to the bar censure resolution.

The hearings opened with a televised blast by Scherer at the California Bar Association. His performance at the California hearings was in his best vein. As the San Francisco papers noted, it was "vitriolic" and "filled with bitter denunciations." He pictured himself and the Committee as the long-suffering victims of a plot by the lawyers. What was most "shocking" to Scherer—and richly amusing to

lawyers who had long protested the Committee's procedural barbarism—was the fact that the Committee had been "censured without notice that any such action was contemplated, without any knowledge of the charges, without a hearing, without an opportunity to reply contemporaneously with the publication of the censure. . . ."

Scherer made his standard Red-plot charge against the lawyers whose abuse by the Committee had resulted in the censure. To the accusation of the California Bar that the Committee attacked a lawyer as a Communist who had not even been subpoenaed, Scherer replied, "Since when have lawyers who are Communists been immune from exposure or identification. Does the Board of Governors of the Bar Association seriously contend that this Committee, the Congress of the United States or the American people are precluded from attempting to detect and isolate traitors, even though they be possessed of a license to practice law?"

Thus, one day after the Supreme Court decision in the *Watkins* case forbidding the use of Committee powers for exposure purposes, Scherer was justifying such exposure activities in the context of the lawyer-client relationship. As the *Chronicle* pointed out in an editorial, "Scherer Takes On the State Bar":

Scherer is here trying to justify a grossly personal reference to a lawyer representing his client before the committee. Unless the right of a person to have counsel is respected, even if and when counsel is a "Communist," our system is harmed. The role and function of the professional counsel is vital to the protection of individual rights, as Scherer—himself a lawyer—should appreciate.

Apart from unparticularized slurs against the censure resolution ("so biased and erroneous that I wonder what influences were at work in its preparation and adoption,") Scherer made three specific charges. He insisted that the Bar Association was guilty of a "bold-faced misrepresentation of the facts" in referring to the purpose of the hearing which gave rise to the controversy as an investigation of "opposition to the McCarran-Walter Act." The hearing, insisted Scherer, was about "the activities of the Communist conspiracy in its program of political subversion." But the Bar Association's failure to use the Committee's

special brand of anti-subversive Choctaw can hardly change the fact that the hearing did, as we shall see, probe opposition to the Walter-McCarran Act.

The bar association had complained that lawyers were not permitted to address the Committee or make objections. True enough, retorted Scherer. But this limitation on lawyers is based upon a rule of the Committee. It is hard to understand how the fact that all lawyers are gagged meets the bar association's complaint.

Finally, Scherer said, the "unwarranted and intemperate" bar action does not reflect the views "of the great mass of lawyers." The proof? ". . . we have received numerous letters . . . deploring and condemning the action of the Board of Governors." The bar association stuck to its guns, and the *Chronicle* wrote ". . . we ardently restate our belief that the censure was deserved."

Scherer's tirade had already suggested that the Committee was unabashed by the *Watkins* decision of the previous day and intended to persist in its exposure practices. The Committee met the problem of the *Watkins* case by announcing that the hearings were to be principally concerned with eliciting information to aid in keeping Congress informed as to the desirability of outlawing the Communist Party.

It is quite apparent that the Committee simply improvised a legislative subject matter comprehensive enough to justify its already prepared exposure proceeding against the group of teachers, doctors, lawyers, actors and members of other professions who had been subpoenaed. But this particular legislative justification was a most implausible choice. At a Committee legislative hearing in 1948, the Committee heard some 35 witnesses on the subject of legislation outlawing the Communist Party. There were few who would defend the constitutionality of an outlawry provision. Then Attorney General (now Supreme Court Justice) Clark contested the constitutionality of such a measure and, on the authority of J. Edgar Hoover, testified that such a measure would be unwise from a security viewpoint. And, in 1950, an array of witnesses expressed opposition to outlawing the Communist Party. Some were of the view that such action would be unconstitutional, while others thought it was dangerous because it would merely drive the Party underground.

In 1953, the Committee, in reviewing the determination

of the Subversive Activities Control Board requiring the Party to register under the Internal Security Act of 1950 as a subversive organization, noted that, "Further legislation to outlaw the Communist Party will await the final decision of the United States Supreme Court." In 1954, Congress refused to outlaw the Party and instead passed the ambiguous Communist Control Act. In 1955, the Committee reiterated that pending the Supreme Court determination referred to, "the Committee does not believe it advisable for the Congress to undertake any broad new legislative action against the functioning of the Communist Party."

In 1955, the Committee noted that the test case, the outcome of which it was awaiting, was expected to come to the Supreme Court for final disposition shortly thereafter. "Until final disposition is made by the Supreme Court of the issues raised, the Committee remains of the opinion that legislative recommendation in this specific field should be withheld." In 1957 (the year of the San Francisco hearings), the Committee in its annual report complained of "inadequacies in anti-Communist legislation," but none of these claimed inadequacies included the need for outlawing the Party. In its next two years' reports, the Committee likewise continued to wait for the Supreme Court's final disposition of the Internal Security Act's validity. (A final determination is expected this year.)

The internal content of the hearing reinforces the view that a legislative purpose was invented by the Committee. The hearing consists of the testimony of two friendly witnesses and 29 unfriendly ones. The two friendly witnesses were an ex-Communist, who left the Party ten years prior to the hearing, and an FBI plant who had left five years before the hearing. These witnesses between them named a list of 99 alleged Party members. All of the other witnesses were subjected to the exposure process. There were no substantive contributions by the friendly witnesses which could conceivably enlighten Congress on the need (or lack of it) for outlawing the Communist Party. There is no testimony by either of the witnesses about any illegal conduct, or indeed about anything which had not been aired in scores of hearings before and since.

The Committee received no legislative enlightenment. In its 1957 annual report it admits as much: "To evaluate the success of the Communist program and the damage done

to the United States Government is extremely difficult," wrote the Committee of the San Francisco hearings. The reason? Almost no one was willing to admit Communist Party membership and "relate their experiences while members." But, as we have seen, this frustration has been built into the exposure process by the Committee itself. The Committee wants victims, not facts.

One witness who resisted the Committee's inquiries on First Amendment grounds was indicted and convicted for contempt, and given a six months' jail term and \$100 fine. The Committee told the court that the refusal of the witness to testify deprived it of valuable information which was needed to help it determine whether the Communist Party should be outlawed. Illegality breeds deception.

11 SAN FRANCISCO REVISITED— AND OPERATION ABOLITION

The Committee finds the State of California simply irresistible. More than one-third of the total number of its road shows have been staged there. HUAC members respond with the avidity of the Forty-niners when the Golden State beckons. Its lure is so powerful that the Committee has, for the past 12 years, assigned a permanent investigator, William A. Wheeler, to comb the state for exposable victims.

The reader may remember that in the early part of June 1959, HUAC launched what was, even for it, a spectacular operation. It subpoenaed 110 teachers from Northern California and the Los Angeles area for hearings to be held later that month. The qualifications of teachers in a state school system are not primarily a Federal concern. For years California had screened its teachers through one of the tightest loyalty programs in the country. Could it be that the Red hordes had penetrated the classroom despite the state's vigilance, and were now poised to swoop down and claim the schools as a fief of Moscow?

The heroic number of subpoenas suggested a bold new tactic of direct, wholesale intervention by HUAC in the employment relationship. A dead giveaway to HUAC's

strategy was the nature of the group of teachers sought out by the subpoenas. They were preponderantly teachers with only probationary and provisional status. Lacking tenure, they could be easily discharged on mere suspicion, without legal recourse and with no opportunity to defend themselves. As the St. Louis *Post Dispatch* editorialized: "... a vast dragnet operation. Obviously, the purpose is not to assemble information preparatory to drafting new laws. The purpose is clearly to expose for exposure's sake. It is to embarrass those summoned. Indeed to give them a kind of rough justice trial in the guise of conducting a congressional inquiry . . ."

HUAC did everything possible to make certain that the school administration knew about the subpoenas. School authorities were tipped off in advance that subpoenas would be served. HUAC representatives visited a university president two weeks before a subpoena was served on a member of his faculty to urge that the teacher be fired. HUAC did not merely put the teachers on the spot within the school system, it developed outside prehearing pressure as well. Time was too short to wait for the normal operation of the exposure process after the hearing: the school term would be over by then.

On the very day the subpoenas were served, newspapers in Northern California printed the names and addresses of most of the teachers subpoenaed in that area, identifying their teaching posts, together with brief biographies. Without a trace of supporting evidence, the teachers were stigmatized before students, parents, colleagues and the public at large. The Committee's official apologist, staff member Fulton Lewis, III, echoing an earlier statement by Chairman Walter, has explained to college audiences when questioned about the affair that the victims themselves released their names in a Red plot to embarrass and discredit the Committee. This is a remarkable example of HUAC's confidence in the potency of Red magic to shield it from criticism, for here are statements from some of the teachers themselves (from a questionnaire submitted inquiring into the time and manner of service of the subpoenas):

I was served June 5, 1959 at the elementary school. The two deputies told me they didn't tell the principal a thing while the whole story was just then reaching the newsstands.

I was served at 7:00 a.m. at home by a police officer. When I arrived at the school where I was practice-teaching, a press photographer and a reporter were waiting for me.

Police officers served the subpoena and advised me I could communicate with the HUAC. My name later appeared in all Bay Area papers.

On June 11, Chairman Walter embarked on a new tactic. He announced that the hearings were postponed until September 1, thus ensuring that the teachers' vacations would be ruined by the suspense and continuing suspicion. Nor did he leave this prospect to chance. He gave as the reason for HUAC's action that "ramifications of the Communist operations in California are so extensive and malignant that additional investigative work must be done before the hearings can be held." This cloud of characteristically portentous rhetoric drew from the *San Francisco Chronicle* the editorial comment that: "Forty northern California teachers (plus 70 in southern California) who are under subpoena and whose names have been made public (though not printed by this newspaper) stand accused, with no opportunity to clear themselves. This kind of procedure is hardly in accord with the best American practice, though it is not new with the House Un-American Activities Committee."

The timing, publication and postponement of the subpoenas fed widespread doubts that HUAC had ever intended to hold hearings in June—and certainly not with such a vast number of witnesses. Just as the hearings have become an exposure end in themselves, independent of the investigative process, so the subpoenas, independent of the hearings, were being used to mow down victims.

A storm of protest raged throughout the state. On June 19, the California Democratic Council denounced HUAC's hit-and-run tactics and urged Governor Brown and the California Congressional delegation "to employ all means at their disposal to bring about the cancellation of the existing subpoenas and to prevent any further maligning of the reputations of California citizens." A regional conference of the Methodist Church attacked HUAC for naming

the teachers and leaving them "to suffer wounds before the whole state."

In July, the Friends Committee on Legislation urged HUAC's abolition and pointed to the publication of the teachers' names as typical of a train of abuses. Other church groups, individual ministers, and rabbis followed suit. On July 12, Mrs. Eleanor Roosevelt denounced the Committee tactics in her newspaper column. "I cannot believe," she wrote, "that Walter and his Committee are any more qualified to judge as to the qualifications of the loyalty of our teachers than those within our states who are responsible for the education that is given." She noted wryly that the inclusion of a teacher of retarded children among the victims "seems a little farfetched—since it is so difficult to teach retarded children anything, let alone communism."

In the same month, the San Francisco Labor Council and the Building Trades Council condemned the publication of the names and the postponement of the hearings. On August 13, the powerful California Federation of Labor, AFL-CIO, protested the teacher witchhunt. Many more unions joined the protest movement.

On August 13, the Committee again put off the hearings—this time from September 1 to October 14. This second prolongation of severe anxiety for the teachers, and the concomitant threat to their morale, caused many more groups to join the campaign to force the cancellation of the hearings. The community was learning that a HUAC subpoena is more than a formal summons to a hearing; it is in itself a form of punishment.

The next day, Bishop Pike, Episcopal Bishop of California, released a resolution calling HUAC's tactics "so threatening to the private welfare of countless innocent individuals that the public conscience is, and must thereby be, outraged."

On August 14, the San Francisco *Chronicle*, in an editorial, "Methods That Outrage the Public Conscience," called for the cancellation of the hearings. On August 21, the San Francisco *News-Call-Bulletin* said, "There is a peculiar emotional quality in the investigation on un-American activities. Anyone who has ever been in its inquiring spotlight is more than likely to bear its mark the rest of his life . . . this is why there are grave dangers of multiple injustice in the often-postponed House un-American Activities Committee hearings aimed at uncovering

subversive teachers—if any—in California.” The Washington *Post* also called for cancellation of the hearings.

The national convention, held in August, of the American Federation of Teachers likewise censured the Committee and called upon it to cancel the hearings. On August 18, the state executive secretary of the California Teachers’ Association wrote Chairman Walter to question “whether or not these hearings have any recognizable relationship to legislation.” He pointed out that the repeated postponement of the hearings “compounds the damage already done to individual rights and to the effective operation of many schools by earlier procedure.”

On August 21, 1959, HUAC threw in the sponge and announced the cancellation of all 110 subpoenas. For the first time in its history an aroused public opinion had forced HUAC to turn tail and run. Said the San Francisco *Chronicle*:

One of the most heartening victories for political decency and constitutional rights that it has been our pleasure to report in quite some time came in Friday’s announcement that the House Un-American Activities Committee had canceled its scheduled inquisition of 110 public and private schoolteachers of California.

But HUAC did not just go quietly away after its drubbing. If the dossiers could not be communicated to the school authorities through the device of the hearing, another way had to be found to force the discharge of the teachers. Walter instructed HUAC’s staff to turn over copies of its files on the teachers to local school boards for action. Suits were promptly filed to challenge this move. The threatened delivery of the files had no conceivable relationship to the only function that a Congressional investigative committee can lawfully perform. But Walter’s vigilante posse quickly turned over the files of some 90 teachers to the State Superintendent of Public Instruction in order, as Committee investigator Wheeler admitted to the press, to “beat” the injunction action.

The State Attorney General advised the State Superintendent that the files must be kept confidential until the courts disposed of the challenge to HUAC’s right to turn them over. The Committee then scurried around the state

to place the copies of the files in the hands of local school authorities, outfoxing both the courts and the State Attorney General.

HUAC's desperate manhunt of the teachers might lead one to believe that it had information that its quarryies were ready to mount the barricades. In point of fact, the material in the files turned out to be stale and monumentally innocuous, consisting, in the main, of a melange of gossip, rumor and hearsay attributed to unidentified informants, much of it more than a decade old. In many cases, the only "information" the school board received was the fact that the individual was under HUAC's suspicion. Chairman Walter announced that he was instructing his staff to turn over the files "and in cases in which information respecting the persons subpoenaed can be disclosed without jeopardizing sources of information or security procedures, to make such information available in confidence." He added, "I am advised, however, that most of the names reflect information which could not, because of the foregoing, be made available to the boards." In other words, the boards were being enjoined to ape the Committee, to make accusations in thin air and to assume proof of guilt on HUAC's say-so.

The state Attorney General released an opinion stating that the reports were worthless as evidence against the teachers involved. HUAC's assurance that the allegations stemmed from "reliable sources" could not substitute for evidence from identifiable witnesses. Only a few California school boards succumbed to HUAC's pressures and held hearings. The immediate consequence was that about six teachers were forced to leave the public schools—two by resignation—in the wake of the great "malignant" plot.

But HUAC's casualties cannot be written off so easily. A substantial body of teachers lived, for a period of ten months, in the shadow first of a subpoena, then of a twice-postponed hearing, and then of a threat of discharge and disgrace. It is hard to exaggerate the disastrous impact of these experiences on the quality of teaching both of the actual victims and of their colleagues—who were thus dramatically reminded that conformity is the key to security and peace of mind. As California Congressman James Roosevelt stated, HUAC might have triumphed even in retreat. It was possible quietly to ease out probationary teachers simply by not renewing their contracts.

"In the past," he said, "school boards have frequently let teachers go who have become the subject of controversy whether guilty of actual failings or mere victims of circumstance. If this happens, those who remain on the teaching staff will not miss the lesson. Anxiety lest they suffer the same fate, will inevitably stifle a part of their own intellectual curiosity and individuality. Their pupils will also be the poorer for this, for they may never know the mental stimulation which can be provided only by the teacher with an inquiring mind."

The abortive 1959 hearings contributed enormously to the Bay area's understanding—already enriched by the 1957 hearings—of what HUAC really is and how it operates. This was a naked attack on the security and tenure of over a hundred teachers, without even a pretext of legislative justification. It gave the community fresh insight into the arrogance and lawlessness of the Committee and its Chairman, and a realization that its vaunted dossiers and files were filled with trash, packaged in lurid wrappings and tied with irrationally sinister inferences.

The community learned, too, that while HUAC bites and kicks in the clinches, it can be outfought. The Committee was forced to turn tail because six forces in the community—the press, labor, religion, organized liberals, educators and students—closed ranks against injustice and cruelty. But the fight was not over.

HUAC had to return to San Francisco. There were too many unsettled scores. The California Democratic Council which had initiated the protest movement had to be brought into line. A widespread and highly effective movement had developed around the struggle to defend the teachers against the Committee's files. The campaign had achieved significant victories, not the least of which was the establishment of the principle that past, discontinued membership in the Communist Party was no disqualification for teaching.

Congressman Roosevelt's brilliant and witty speech on April 25 on the floor of the House, in which he arraigned the Committee at length, citing chapter and verse and demanding its abolition, gave the anti-HUAC movement of Protestant churches, labor, the liberal Democrats and the academic community a decided impetus. The conviction

that HUAC should be abolished was widely held in the Bay area in the spring of 1960.

Early in May, HUAC issued 48 subpoenas for hearings to be held May 12-14. A number of the subpoenas were for teachers who had previously been served in 1959. Bertram Edises, the courageous lawyer who had been subpoenaed when he represented William Sherwood in 1957, was again subpoenaed. He had also been the lawyer for many of the teachers who were involved in the fight to retain their jobs after the 1959 HUAC foray. The rest of the subpoenas were for housewives, professional people, trade unionists, one student, a radio commentator, and a handful of Communist Party members. Several of the people in the group had been active in the picketing of Bay Area five-and-ten cent stores in support of the Southern Negro "sit-in" students.

Except for a small group of individuals whose names were published by ex-Senator Knowland's Oakland *Tribune*, the names of those subpoenaed were not printed in the Bay Area newspapers, largely because of the change in community sentiment. But HUAC found a way to accomplish the same destructive purpose as publicity would have done. It timed the serving of the subpoenas for 9 a.m., when the victims could not fail to be at work. Teachers were served at school, often in the presence of the principal and in his office.

Mr. Fulton Lewis, III, has again defended HUAC by claiming that the teachers were served at school only as a last resort, and after they had evaded earlier service at home. But here is a part of HUAC's letter to the sheriffs charged with serving the subpoenas:

I am enclosing herewith a subpoena for service in your county. Some 45 subpoenas have been issued by the House Committee on Un-American Activities and forwarded to Federal and local agencies for service. Your cooperation in this matter will be greatly appreciated.

It is requested that service be made at 9:00 A.M. on Wednesday morning, April 27th.

The Committee knew that the subpoenas would reach the victims at work. According to a speech by Congressman Scherer on May 5, 1960, the Committee in 1959

gave instructions to serve the subpoenas "at 7:30 A.M. at the residence of each teacher." The instruction to serve the 1960 subpoenas at 9 A.M., and the failure to designate the residence as the place of service, can only mean that the very service of the subpoena was planned as a form of discharge pressure.

But HUAC, in the case of the teachers, also applied direct pressure. There is evidence that a few weeks prior to the time of service, Committee investigators interviewed local school authorities and informed them that unless designated teachers' appointments were not renewed, they would be subpoenaed. Those with renewed contracts, or promises of renewal were subpoenaed. The same university instructor who had been subpoenaed in 1959 was again served. He was informed that his university president had been notified three weeks in advance of his pending subpoena and had been urged—as in 1959—to fire him. (He was finally told in May 1961 that his contract would not be renewed for the 1961-62 term.)

As the day of the hearings approached, the protest movement swelled. On the eve of the hearings, a large number of organizations and private persons, including the Central Labor Councils of San Francisco, Alameda, Santa Clara, San José and San Mateo Counties, 300 faculty members of the University of California, 165 faculty members of San Francisco State College, 200 of Stanford University and 100 of San José State College, the San Francisco Society of Friends, the Northern California Conference Board of Rabbis, the National Lawyers Guild, the Episcopal Diocese of California, the First Unitarian Church of San José, and the Berkeley YWCA, had all become part of the anti-HUAC group.

A formidable student protest movement, which began with a group on the University of California campus, Students for Civil Liberties, soon spread to the student body of Stanford University and San Francisco State College. The University of California group announced as its goal the cancellation of the hearings and the abolition of the Committee. In three days, 1,000 students—subsequently increased to 2,000—signed abolition petitions.

This time HUAC really needed its friends. It issued white cards for a specially invited group of guests. These

guests were concentrated among the following groups: The Daughters of the American Revolution, the American Council of Christian Churches and local Baptist fundamentalists.

Staff Director Arens strove valiantly to meet the needs of the hour. The friendly witnesses agreed that the Communist Party had attained an unprecedented peak of strength and that America was in peril. Witness Karl Prussion, a bona fide ex-Communist and an informer for the FBI, solemnly testified that "never before in the history of the Communist Party of the United States has the situation been more critical for our democratic form of government." Because of the character of the friendly invited audience, Mr. Arens asked the friendly witness such questions as, "You have found your way back to God and patriotism; is that correct?" and, "Within the framework of the Communist operation, is there room for concepts of God and spiritual values as we were taught them at our mother's knee?" The relation of these questions to a legislative purpose is obscure, but the audience was delighted.

Arens lavished his most portentous rhetoric on HUAC's acquisition of documents—most of them of a public nature—dealing with a Communist Party convention in 1959, to the eye-popping horror of his clique from DAR and the Baptist Seminary. He repeatedly made it known that the documents were acquired "from confidential sources of unimpeachable reliability and integrity . . . an intelligence source of unimpeachable reliability and integrity." But: "It is a source concerning which we cannot make a revelation or a public record because of security reasons."

Mr. Arens curdled the blood of his audience with the testimony that the customers of an unfriendly ball-bearing salesman included a missile plant. The audience was invited to shudder at testimony revealing that a Communist had been expelled without a fair hearing from the Communist Party, that Khrushchev is a practitioner of "Communist semantics," and that Gus Hall, the head of the Communist Party, is a long-time member of it.

The testimony rehashed HUAC's standard formula—but with special emphasis on one theme: that in the realm of subversion, one may smile, and smile, and be a villain still. In order to force the discharge of more teachers,

Arens developed the thesis of *subversive nonmembership* in the Party. Even more dangerous than Party members, were those who were not members of the "formal entity," but who may have joined and left the Party in the distant past, or who were engaged in activities with a "façade of humanitarianism and do-goodism." This was a net fine enough to catch any form of meaningful social action.

The 1959-60 affair was a bold attempt to adapt to the teaching profession the discharge pressures and blacklisting techniques which had heretofore been confined to the entertainment industry. The strategy of the hearings was to bludgeon local school boards into acceptance of HUAC's theories of original sin, subversive nonmembership, nonconformist activity and dangerous thoughts as the tests of fitness to teach. The total haul as a result of HUAC's pressure was sizable. Some 25 teachers were forced out of the profession through nonrenewal of contracts, refusal to reissue teaching credentials, credential revocations, or resignation. Some teachers resigned because their health was so damaged by the long drawn-out 1959-60 pressure as to impair their teaching ability. In addition, the ball-bearing salesman and a welder lost their jobs.

As in the 1957 San Francisco hearings, the testimony at the 1960 hearings is merely a footnote to another event which the hearings touched off.

On Thursday morning, when the hearings opened, protest action took place in two different areas. Students for Civil Liberties (SCL) posted pickets around City Hall where the hearings were being held. This picketing was policed and monitored by the students, and order was maintained throughout the three-day session. At noon-time, more than 1,000 persons attended an SCL-sponsored rally at Union Square, where Canon Richard Byfield of Grace Cathedral (Episcopal) told the audience: "These unjustly conducted hearings not only damage individuals but also our society." Assemblyman Philip Burton said: "No legislative committee should have the power to place people in the calumny of the community without going through due process of law. . . . I am looking forward to the day when the resolution by Congressman James Roosevelt will abolish this Committee." Assemblyman

John A. O'Connell also called for the Committee's abolition. He added: "I do believe a Communist has a right to hold his political view and to say it aloud in public just as I am talking here."

Independently of the planned and organized picketing, several hundred students from local campuses, as well as faculty members and others, gathered in the rotunda of City Hall and sought admission to the hearings. Some of them had arrived as early as 7 A.M. Just before the hearings started, HUAC's special guests were admitted when they showed their white cards, which had been furnished to them in advance. (Committee investigator Wheeler: "I issued [the white cards] to keep the Commies from stacking the meeting. We wanted some decent people in there.")

After the holders of the white cards were admitted, some 75 members of the general public, largely students, were permitted to occupy the remaining seats and to stand in the back of the room. This was the largest number of general admissions in the course of the three-day session. Thereafter the number of students who were admitted steadily declined.

On Thursday, one of the subpoenaed witnesses was evicted from the hearing room after a number of them angrily demonstrated during a recess against the hearing and its lynch atmosphere. At the back of the hearing room, a group of students staged a brief protest against the restrictive admission policy, which was entirely unrelated to the ruckus in which the witnesses were involved.

At the noon recess, the hearing room was cleared on orders from Investigator Wheeler. Students who tried to remain in the room for the afternoon session were removed but promised that they would be allowed to return. It became apparent that the stacking of the hearing with HUAC's friends was to be a fixed policy when Wheeler refused to readmit the 75 students. Only about half were permitted to re-enter.

Some of the students who were barred joined the picket line outside the City Hall. The remainder joined a group in the rotunda fronting the Supervisors' Chamber, where the hearings were being held. Sheriff Matthew Carberry suggested to the frustrated students that they sing "to sort of break the tension," and they continued their spontaneous, unplanned protest with songs and chants.

At 2 P.M., Carberry called for quiet and suggested that

the students leave. Some of them did. At 3:30, 30 students outside the chamber were admitted in exchange for 30 students who had been in the hearings. The disappointment of the others led to a resumption of the singing.

On Friday morning, students, now aware of the white card system, queued up even earlier than on Thursday to gain admission to the hearings. They continued their picketing outside the hearings, and about 200 of them tried to get into the Supervisors' Chamber. Again the room was filled with card holders, who turned out in even greater numbers than on the previous day. About 20 students were admitted, while the rest cooled their heels in the rotunda, singing and shouting, "Abolish the Committee," and "Let us in."

On Friday, at about noon, Sheriff Carberry promised the crowd that if they waited quietly he would try to arrange for their admission on a first-come, first-served basis. He insisted that it was his job to maintain order and the students agreed to do so. They said that if he could not work out a relaxation of the one-sided seating arrangements they would stay there and shout or sing.

When the afternoon session started, the card-holders were again given preference and only eight students were admitted. Student leaders circulated in the crowd maintaining order. According to half a dozen eyewitnesses, the students engaged in no violence against the police or anyone else, but they kept up a chant, "We're still here!" When the police began to unroll fire hoses, the students sat down and sang. Suddenly the hoses were turned on. Investigator Wheeler helped the police by designating desirable targets: "There's a Commie." "That's a witness."

When the hoses failed to drive the crowd back, they were turned off and the police surged through the crowd swinging their clubs. They drove the students down a flight of seven stairs to a landing. The hoses were again turned on and then turned off again.

A new assault was made on the students on the stair-landing by club-swinging policemen. One student was dragged down the stairs by her ankles, her head bumping on each marble step. Others received the same treatment. Some who resisted attempts to push or drag them down the stairs by clutching the stair-railing were clubbed on the arms and hands. Several students who were charged by the police had their heads bloodied either from falling or

being hit with clubs. Many students sat with linked arms on the steps to try to prevent being dragged down one by one. A number of students were kicked in the face and body by the police. One youth was beaten senseless by six police; another was clubbed by a policeman as he was held by two others. Above the shouts and screams and groans could be heard the chant, "We shall not be moved!"

But they were.

When the carnage was over, 64 persons (a number of individuals were swept up in the police haul who had nothing at all to do with the affair) were loaded into patrol wagons where they were charged with disturbing the peace, resisting arrest and inciting to riot. The charges against 63 were dismissed. The 64th, Robert Meisenbach, went on trial.

On Saturday morning the City Hall, normally closed for public business, was open only for HUAC witnesses, the press, white-card holders and a trickle of students. But outside, about five thousand people picketed and rallied in the City Hall area. About half of these were students. They remained until the hearings ended, at 5 P.M. The hearings were prolonged by HUAC's use of the investigation to blame the Reds for the demonstrations and the students for the violence. It heard the testimony of Sheriff Carberry, Inspector McGuire of San Francisco's Intelligence Squad, and Police Chief Cahill. It called no student witnesses. Only Maguire had been present at the hosing: he was not asked how it started.

A Baptist group of HUAC supporters castigated the demonstrators. The San Francisco *Chronicle*, in an editorial of May 16, 1960, blamed the students for setting back the cause of abolition. Some 85 faculty members at Stanford petitioned City Hall for a public probe of police brutality. The petition said, "At no time did more than a small number of demonstrators offer more than passive resistance to the police." Similar groups of university teachers and graduate students at the University of California and elsewhere demanded an investigation and condemned the police for their brutality; so did the California Federation of Young Democrats. The California Federation of Teachers passed a resolution which "publicly thanked the college students of the Bay Area for their dedication and for the courage to protest, even in the face of brutal and unjustifiable coercion and arrest."

The Mayor estimated the damage to City Hall at \$250,000, and suggested that the next time HUAC came to town it should meet under the protection of the Army in some Federal building. This led Congressman Scherer to charge the Mayor with "surrender to Communist-directed violence." Congressman Johansen grandiloquently added, "The Congress of the United States cannot and will not retreat under Communist attack."

The San Francisco *Chronicle* editorialized about the charges against the Mayor: "This twisting of meaning, this deliberate disregard of facts, this baseless tearing down of personal character and reputation explain in part the public's growing distrust and distaste for this expensive and outworn group. As for the Mayor, he may deem himself fortunate if he is not subpoenaed to explain a recent trip to Russia and photograph showing him in close conversation with some . . . hard-core Communists."

Congressman Scherer bluntly charged that the demonstration was "clearly planned at the highest Communist levels." J. Edgar Hoover, in a report circulated by HUAC, backed him to the hilt. He asserted that it was all part of a worldwide chain of Communist-directed subversion and that it was also "the best thing that happened for the benefit of the Communist Party in years. . . ."

We come now to a new and special phase of HUAC activity. Two days after HUAC left San Francisco it subpoenaed all films of the demonstration and hearings from two local TV stations—ostensibly for its own files. It promptly turned them over to a commercial film studio: Washington Video Productions. The studio converted the clips into a 45-minute film with the help of staff member Fulton Lewis, III, who also delivered the narration. The film, called "Operation Abolition," is a curious document and raises many unanswered questions.

It invokes the prestige of Government authority and invites acceptance as an expression of official views—an impression which is reinforced by the participation in the script of three Committee members, Walter, Scherer and Johansen. Yet, while carrying the unmistakable cachet of governmental authority, it is strangely coy about its origins. There are no film credits. Who is responsible for "Operation Abolition"?

Although HUAC is empowered only to investigate propaganda, not to originate it, the film was actually made part of a House Report issued by HUAC in October 1960, and given official imprimatur. But in a June 1960 news release from Congressman Scherer's office, the making of the film was credited to the National Coalition of Patriotic Societies, a federation of vigilante-style organizations.

Yet Washington Video Productions sells the film for \$100 and is said to have sold more than 2,000 prints. Is someone making private profits from a film made out of clips taken free of charge from the television stations? Congressman Walter has stated in a WNEW-TV program of January 28, 1961, that the television stations were in no way exploited. On the contrary, the television stations "advised us if we wanted the film, we'd better do something about it because they destroy them; they don't keep them for any great length of time so we subpoenaed them to make sure they would be preserved. . . . They were very happy to turn them over to us as a public service."

In the course of this book it has been urged that HUAC distorts facts, draws crudely strained inferences, and reaches untenable conclusions. But nothing in HUAC's record of hearings and reports matches the film "Operation Abolition." Let us begin with the distortion and misrepresentations which HUAC and its agents have admitted.

In its determination to lay the demonstration at the door of Communists, the film narration states, "Among the Communist leaders who had an active part in the San Francisco demonstration were Harry Bridges [no court has ever upheld the charge of Bridge's Communism], who you see here being escorted out of City Hall *moments before the rioting broke out.*" In the Hoover report on the occurrence the following appears: "Order had been restored when Harry Bridges, President of the International Longshoremen's and Warehousemen's Union appeared on the scene." Bridges, in point of fact, was at lunch at the time of the demonstration.

In a letter to the *Washington Post* of December 28, 1960, Walter admitted that the film was in error. He insisted that the error was "minor," but as the *Post* pointed out, "It contributed to the deceptive and distorted message

of the film. . . ." In the 28-minute TV version of the film, this error has now been changed—to a new incorrect version—the narration now says ". . . moments *after* the rioting broke out."

Mr. Walter also admitted to three sequential errors in the film, but contends that they are "honest errors." But a frame-by-frame analysis of "Operation Abolition" shows that the film is heavily doctored throughout. Filmed scenes of the hearings which were supposed to have occurred on Thursday, May 12th, were photographed on Friday morning, May 13th. Two other scenes in this same series were shot on Saturday.

The most shocking distortions occur in the film's handling of the demonstrations of Friday (the day of the hosing and arrests). Scenes presented as occurring on Friday as *causal* events leading up to the police action were taken either on Thursday or Saturday. There are at least 13 scenes in the Friday sequences which did not occur on that day. According to a study by Russell Joyner, "There is evidence indicating that at least 20 scenes in the 45-minute version of 'Operation Abolition' were photographed on a day different than that stated by the announcer in the film."

The shortened 28-minute version of the film made for TV corrects some of the other errors in the film, but it retains the sequential errors. According to Mr. Joyner, "There is evidence indicating that at least 15 scenes in the 28-minute version of 'Operation Abolition' were photographed on a different day than on the day that the announcer stated."

The reasons for this tampering with sequences are hardly inscrutable: every bit of footage was organized and arranged to create the false inference of student aggression and to fit HUAC's Procrustean thesis of a Red plot.

Chairman Walter has defended the film's sequential errors as "honest" and accidental. According to the manager of TV station KRON, one of the two stations from which the film was subpoenaed, all footage turned over to the HUAC was carefully tagged as to place, date and sequence of exposure.

Fulton Lewis, III, has offered a different explanation for the garbled sequences. He does not claim that these sequential changes were errors; he asserts that they were deliberate. In a speech before an audience in Minneapolis, he stated that when HUAC lacked appropriate footage for

a particular day, it borrowed "similar" footage from other days. This was done, blandly explained Mr. Lewis, so that "there would be no distortions."

"Operation Abolition" hammers two themes:

1. The Communists inspired the resistance to the Committee and exploited the mass of students as their dupes.
2. This planned resistance embraced the use and provocation of violence. This is the revolution in microcosm: this is how "it can happen here."

But the very entrance to this road is blocked by the facts. As has already been shown, HUAC came to San Francisco in the face of a hostility which pervaded an extraordinarily broad segment of the Bay Area. The film tells us that "the Communist apparatus activated its trained agitators and proponents in the San Francisco Bay Area months before the scheduled hearings were to begin." Yet, as a team of reporters point out in an article in the *San Francisco News-Call-Bulletin*, "no announcement of the Committee's coming was made until April 25, 1960, 18 days before the hearing." Do the Reds have an agent on HUAC's staff?

The film is HUAC's most ambitious exercise in the manipulation of the Red scare. It opens with a statement by Chairman Walter: "During the next few minutes you will see revealed the long-time classic Communist tactic in which a relatively few well-trained, hard-core Communist agents are able to incite and use non-Communist sympathizers to perform the dirty work of the Communist Party."

The exalted, taut voice of narrator Lewis explodes in a commentary giving new life to the scarewords which Arens works to death in the hearings. Every unfriendly witness is a "top Communist operator," "especially trained in agitation and incitement to riot." Over and over again we are told that we are viewing "Communist-inspired violence." As a scene unfolds, we are filled in with the sound track's unsupported explanations of the behind-the-scenes machinations which produced it: "The Communist agitators give new orders now to the students to sit down," etc.

Each of the three Congressmen who appear in the film brings hyperbolic support to the film's message. Congressman Walter concludes the harangue which introduces the

film with this grim reminder: "We are all too familiar with the pattern of Communist-led revolution and rioting—in Venezuela, Cuba, and more recently, in Japan. Can it happen here on American soil? This film showing Communism in action will answer that question."

The writer of the script has given Congressman Johansen equally chilling lines. The students, he warns, are "toying with treason." Congressman Scherer has not been slighted. He concludes by telling us that we have just "seen Communism in action, the same Communism which is at this instant attempting to devour the world through subversion, revolution, deceit, sabotage and vicious propaganda. You have . . . seen Communism with its mask ripped off, with its sweet façade uncovered and its hard, bitter, and determined core revealed."

In this film we are at the center of HUAC's fear-mongering world, an obsessive, hysterical world created by fiat, raised by bootstrap epithets, propped up by self-proving charges, and floating on hate. But the gap between what HUAC wants us to believe and what reason tells us, is as great on film as it was in the more familiar milieu of the hearing. A background of picketing, chants and songs is manipulated to preserve the "documentary" illusion. The narration, strident and endlessly reiterative, tries to bridge the gap between the truth and HUAC's vicious distortions. Lewis gives us commentary and photographic images instead of Arens' lurid questions. But what emerges is still a stranger to reason—guilt without fault, the Kafkaesque nightmare of the hearings. And something else. The events of the film are new to us, but the style and tone of the entire production have a puzzling sense of familiarity. Where have we seen this kind of thing before?

To be sure—the totalitarian propaganda newsreels of the thirties. The harangues of Propaganda Minister Goebbels eerily echo back to us through the years—in English.

At the beginning of the narration, we are told that the following "directive" (loyal Americans give orders or make requests, but Communists "issue directives") appeared in the *Daily Californian*, the official University of California student newspaper:

The SCCL (Student Committee for Civil Liberties) plans to picket the hearings today. It has carried a call for students to attend the rally and hearings

and suggests that people "laugh out loud" in the hearings when things get ridiculous.

This "directive" was merely a suggestion made at an open meeting of the organization and was not adopted. The *Oakland Tribune*, where the account originally appeared, has retracted it as false, as has the *Saturday Evening Post* of October 1, 1960.

The first paragraph of the narration goes on to tell us that "Communist apparatus activated its trained agitators . . . months before the scheduled hearings were to begin." This paragraph is then followed by the statement: "The carefully organized protest campaign was climaxed with a student directive. . . ." This skillfully composed distortion first makes an unsupported charge of Red preparations; the unparticularized preparations are linked to the student group by "climaxed" and "directive." Without taking responsibility for a flat assertion, the narration makes the student group part of the "trained agitators" which the "Communist apparatus" had "activated." This shoddy innuendo appears in an official document of the United States Congress.

The film footage of the Thursday student demonstration inside the hearing room brutally distorts what happened. It suppresses the fact that it took place during a recess when the Committee was not in session and seeks to give the impression that the demonstration was a planned act of defiance executed during the course of the hearing. It conceals the fact that the demonstration resulted from the denial of a petition to move to a larger hearing room or to admit the students on the outside on a first-come, first-served basis.

To give substance to the Red-plot charge, the film asserts that "several students" were ejected from the hearing room on Thursday, together with two subpoenaed witnesses. Only one witness (and no students) was actually removed on Thursday. The student whose removal the film shows was in fact ejected on Friday, when she and several other students smiled at testimony given during the hearings.

The film's account of the Friday demonstration completely distorts its cause—the preferential white-card policy. The narration states the hearing hall's seating capacity was 400 and that "nearly 100" white cards were

issued on Thursday. It invites the inference that 300 seats remained for occupancy by the general public. But the full hall held only 75 outsiders on Thursday, the largest number ever admitted. What the narration suppresses is that up to six admissions were allowed for each card. A more direct misrepresentation is the statement that at Friday's hearing 200 from the general public were admitted. Observers agree that no more than 30 people were admitted on Friday morning and half that number in the afternoon. Communists did not plot to have HUAC bar almost all the students from the hearing room. The sit-down of the students, called as the hoses were being unrolled, was not, as the narration charged but never proved, a tactic of Communist agitators, but an attempt to assure the police that the demonstrators' intentions were peaceful and to prevent panic.

The narration states that on Friday morning "Police warnings are met with jeers and boos and renewed chanting and renewed singing." According to eyewitness reports as well as unedited tapes, when the police spoke to the students, they ceased demonstrating and paid attention. The film splices the request of the police with a shot of students taken hours later. (In a telecast over NCOP-TV on August 9, 1960, Investigator Wheeler admitted that the film sequence had been altered and that the shot of the singing and chanting did not depict the response to the police talk to the students.)

Plunging recklessly onward, the sound track gives the impression that the police notified the students that the building would have to be cleared. No films are shown of this alleged warning. As has already been noted, at about noon on Friday Sheriff Carberry addressed the students and, far from urging them to leave, promised to try to relax the restrictive admissions policy. The full sound tapes which were made of the day's occurrences contain no record of an order to disperse before the hoses were turned on.

The narrator tells us that, "One student provides the spark that touches off the violence when he leaps over a barricade, grabs a police officer's night stick, and begins beating the officer over the head. As the mob surges forward to storm the doors, a police inspector orders that the fire hoses be turned on." No films are shown of this stirring scene. It is pure invention.

The May 23, 1960, edition of *Life* magazine carries a photograph that was taken a split second after the hoses went on: some of the students are still partly dry. The students are either seated or moving away from the barricade. Robert Meisenbach, the student who allegedly stormed the barricade, is shown completely dry, standing against the side of the building watching the demonstration.

The officer involved did not claim, either in his official report, or in his testimony before the grand jury, that his attacker mounted a barricade or that he was hit more than once. He merely claimed that he was struck at some time during the confusion. At Meisenbach's trial for assault, *all* of the witnesses—prosecution and defense—agreed that no such barricade-storming assault occurred. The lurid claim that a "mob surges forward to storm the doors" is a figment of HUAC's overheated imagination. The film simply lies when it states that the hosing was triggered by a rush for the barricades which resulted in the beating of a policeman. (Professor John Searle has asserted that "there is considerable evidence that the hosing, clubbing, and subsequent arrest of the students by the police was planned in advance. It is, for example, an established fact that ambulances and paddy wagons assembled at City Hall prior to the hosing.")

"Operation Abolition," this document of the United States House of Representatives, is dishonest even about the simplest facts. It asserts that "four students suffered minor injuries, eight policemen are injured to the point where they require hospitalization." But the true casualty report is quite different: one student had his eardrum ruptured when a policeman deliberately aimed a hose at his ear; two suffered head injuries requiring several stitches; one student received a back injury which required an operation; one student's tooth was knocked out and several others required treatment for contusions. The police injuries were: two wrenched backs; a swollen finger; a head injury; a bitten thumb (the only injury that can justify an inference of intentional violence); and three cases of exhaustion (suffered by the older members of the force). The film tells us that "officer Dumphy, age 61, suffered a stroke when he was knocked down by student agitators." Police records show that he collapsed from exhaustion.

George Draper, of the *San Francisco Chronicle*, wrote on May 14, 1960:

I did not see any of the kids actually fighting with the police. Their resistance was more passive. They would simply go limp and be manhandled out of the building. . . . At this point it got very rough . . . I saw one slightly built lad being carried by two husky officers. One held the boy's shirt, the other held him by the feet. He was struggling, but he was no match for the two bigger men. Then, from nowhere, appeared a third officer; he went to the slender boy, firmly held by the other two officers, and clubbed him three times in the head. You could hear the hollow smack of the club striking. The boy went limp and was carried out. . . . Police were not clubbing the demonstrators at will.

The film steadily denies police brutality, and warns us that only Communist and pro-Communist propagandists will disagree with it—a true HUAC touch.

In a telecast of January 28, 1961, Congressman Walter, when asked whether "Operation Abolition" was doctored, replied, ". . . how anybody can doctor a moving picture is something that will remain a mystery to me. There couldn't possibly be anything more absurd than the charge that this was staged." The solution to this mystery is that you fake the sequences, telescope and splice unrelated film footage, use a sound track of falsehoods to assert what the film does not show, and tie it all together with a narration which is alternately dishonest, distorted or misleading.

Congressional documents are privileged under libel or slander actions. But the circumstances under which "Operation Abolition" was made, shown and distributed have caused many to question whether this privilege applies. It has been argued that those slandered by the film have legal recourse against the film's exhibitors and makers, and beyond them to the Committee and to Congress itself, in whose name the entire project was ostensibly carried forward.

The film's narrative relies heavily on a report by J. Edgar Hoover on the San Francisco affair. This report is a strange document, and like the film itself borrows heavily from the propaganda techniques of totalitarianism. As with the film, we are struck at the outset by the curiously novel

form in which a representative of the Government has chosen to speak to us. Hoover's document, called "Communist Target—Youth," purports to be a report "illustrating Communist strategy and tactics" at San Francisco. But by what authority is the report made? It is not a report by the FBI about the results of an investigation into crime; it is not a publication of the FBI at all. It is a report of J. Edgar Hoover published by the House Committee on Un-American Activities. To whom is the report made? It is not a report to the Attorney General, the head of the executive department of which the FBI is a part. It does not claim to be a report to Congress. Nor is this the voice of Mr. Hoover speaking as a witness in a Congressional proceeding. The "report" is a transparent device to shield the film from defamation suits by providing its sound track with a "cover" of official utterance. The prestige and authority of its author have been used to lend respectability to the film's extremist views, sinister inferences and distorted facts. A factual "police" investigation has been made the pretext for a hatful of political propaganda, unproved assertions, unparticularized charges and bizarre inferences.

Like the film, the Hoover report suggests that there is a tie between the demonstrations of youth in Japan and Uruguay, and the San Francisco affair. We are never offered proof of the subversive nature of the activities of the Japanese and Uruguayan youth. Nor are we told how and why the California undergraduates were chosen as instruments of this assertedly world-wide movement. For reasons also only known to the author, there is no link between the demonstrations of youth in Korea, Turkey, Hungary and Poland, and the San Francisco demonstrators. Nor does the report see the connection which many sensitive observers of youth have noted between such protest movements as the Southern sit-ins in our own country and the demonstration against the Committee. We are by fiat required to accept the dogma that opposition to HUAC must be treason.

As in the film, the Hoover report tells us exactly how the demonstrations started: "One of the demonstrators provided the spark that touched off a flame of violence. Leaping a barricade that had been erected, he grabbed an officer's nightstick and began beating the officer over the head. The mob surged forward as if to storm the doors and a police inspector ordered the fire hose turned on."

As has been shown, this assertion is wholly without foundation.

The Hoover report, like the film, converts the entire protest movement both inside the City Hall and outside into a deep-dyed Red putsch. Like the film, it attributes to California Communists a diabolical omnipotence and omniscience. The entire report does not refer even once to the Students for Civil Liberties, the campus organization which had collected 2,000 signatures to an anti-HUAC petition prior to the hearing, and had organized the three-day picket line. The opposition of community organizations, and of hundreds of educators, is simply swept under the Red rug.

The enormously tendentious quality of the report can best be savored from its charge that the "grand climax" of the allegedly Red-planned anti-HUAC demonstration was to "have the demonstrators join a Party-sponsored peace march on Saturday, May 14, at the conclusion of the hearing." But the facts cannot be so easily stuffed into the Red mold.

A group of pacifists under the sponsorship of the American Friends Service Committee had, in January, planned a Peace March. It was held on the same Saturday as the conclusion of the hearing only by coincidence. When HUAC had originally announced that its hearing would commence on May 10th, the pacifist groups scheduled their march for May 14th. HUAC then changed its mind and postponed its hearing two days so that the last day of the hearing coincided with the day of the Peace March. Mr. Hoover offers no evidence in support of the claim that the Peace March, like the anti-HUAC demonstration, was "party sponsored," nor does he explain why the Communists would plan a demonstration and a Peace March on the same afternoon.

A detailed analysis of the affair made by Professor John R. Searle of the University of California's Philosophy Department, based on personal experience and numerous interviews, concluded both that the picketing demonstrations "were well monitored and orderly from beginning to end," and that none of the leaders of Students for Civil Liberties are Communists. "Nor was there any outside leadership of this group, Communist or otherwise." An article by Burton H. Wolfe in the *Californian* magazine for March 1961 concludes, as a result of personal interviews,

that the student leaders "had taken particular care to reject overtures from the Communist Party made on two occasions. They made it clear that it was only to be a student demonstration with no interference from any kind of political party." Professor Searle has written, "On the afternoon of the first day, that's Thursday, Merle Brodsky, one of the subpoenaed witnesses, approached the monitors . . . on the picket line and tried to get them to cooperate with him in demonstrating inside City Hall. He was flatly refused."

And finally, on May 3, 1961, the last of the student demonstrators, Robert J. Meisenbach, was acquitted of assault charges. The San Francisco police, in presenting their case against the California senior, never even claimed, as did "Operation Abolition" and the Hoover report, that he or anyone else had leaped a barricade, seized a policeman's nightstick and assaulted him with it. The prosecution from the very beginning conceded that there had been no such incident, but argued to the jury that after the hoses were turned on, Meisenbach had become involved in a scuffle with a policeman and had attacked him with his own billy. The defense presented testimony that Meisenbach, far from beating the policeman, was himself brutally beaten by a group of policemen, including the officer who claimed to have been assaulted. The jury apparently believed the defense witnesses and returned a verdict of innocent in less than three hours.

The film and the Hoover report are thus twice discredited. There was no surge to the barricades and the assault on the policeman which is supposed to have triggered the attack on the students never took place at all. As Meisenbach's lawyer declared:

This knocks the film "Operation Abolition" into the creek, and nails the lies in the original police department reports. Both are filled with falsehoods.

It is a direct blow to the House Committee on Un-American Activities, given by 12 impartial citizens who finally heard all the facts.

The jury verdict can hardly inspire a thrill of pride in our FBI Director. A San Francisco State Representative, John A. O'Connell, a Democrat, said he thought FBI Director Hoover had "lied in attributing the disturbance

at the House Un-American Activities Committee hearing in San Francisco solely to Communist-inspired opposition to the Committee."

There is, perhaps, nothing that can be done to correct the distortions and misstatements in the Hoover report, but will HUAC now make still another version of the film? Or will it simply discover yet another Red plot to overthrow the Republic—this time on the part of the film's critics?

HUAC must brand criticism as Red-inspired as a matter of sheer survival. It always puts its techniques of distortion and suppression to most ruthless use when it is under attack. "Operation Abolition" is a forgery on celluloid. It belongs to a long tradition of hoaxes and forgeries—the Popish plot, the Zinoviev Letter, the Bordereau (in the Dreyfus case), which are used as instruments of social and political leverage in periods of tension. Such frauds are frequently manufactured to support charges of subversion and betrayal.

But the making and circulation of this film is more than another attempt by HUAC to smear its critics. The film was produced at a time when HUAC's stock had fallen to a new low. It was losing its hold on the press and on public opinion. California, HUAC's favorite hunting ground, had taken it on and sent it packing. Congressman Roosevelt's speech had given hope to the growing abolition movement. The Committee was becoming the darling of fewer and fewer people—and these were concentrated on the far right of the political spectrum.

"Operation Abolition" was boldly conceived as a double-headed stroke—to whitewash HUAC activities by creating a wholly false impression of imminent danger from the Communists, and as a propaganda stroke to restore HUAC's failing fortunes. The subpoenaing of the footage, the decision to make a film, the commissioning of the Hoover Report, the ultimate release of the film with the official imprimatur of the Committee itself—all of these steps have the piratical and ruthless quality which has become Walter's trademark in his leadership of HUAC.

"Operation Abolition" is not merely a plug for the Committee. It introduces to our country the techniques of totalitarian propaganda. It is our first officially sponsored totalitarian style political propaganda film. Masquerading

in the ill-fitting disguise of a report to Congress, this fabrication is becoming a potent instrument in the arsenal of restraints on political freedom. In a speech on the floor of Congress, in March, 1961, Congressman Walter claimed that over 10,000,000 people have already seen the film since its release in July 1960.

Fulton Lewis III has shown and spoken on behalf of the film in more than 200 colleges. The John Birch Society, the newest and most active member of HUAC's Network of supporters, is a principal distributor of the film in many American communities. The society is particularly zealous in developing pressure campaigns for the showing of the film in churches. It, too, denounces as Communists all critics of its accuracy.

The film is a regular feature of American Legion Post meetings. Employers, such as the Allen Bradley Company of Milwaukee, espouse showings of the film for their employees. On many campuses, the Young Americans for Freedom, a right-wing student group, have become the film's official sponsors. When the film is shown, other HUAC propaganda publications are frequently distributed.

Government agencies have bought copies of the film in quantity for "educational" purposes. Army posts book it months in advance. State police agencies show the film as part of a "security education" program. In Wilmington, Delaware, according to the *Wilmington Morning News*, the state police show the film as part of an 18-point program, "What You Can Do To Fight Communism." Among the points in this program are: "6. Be as cautious in sponsoring movements as you would be in signing a business contract. *Check with local intelligence agencies before you sign or join.* 7. Identify public officials and policies displaying 'softness toward communism.' *Demand a more patriotic attitude.* 8. *Check 'Peace' groups . . .* Communists are today promoting appeasement in the guise of peace."

And in Michigan, "Operation Abolition" and another film on Communism were shown in high schools and to private groups by the State Police Subversive Activities Squad—until the Governor ordered the discontinuance of such showings on the grounds that the films were ". . . inaccurate and distorted and thus harm, rather than advance, the purpose of an intelligent anti-Communist program."

But the racist, anti-Semitic and other crackpot groups

who form HUAC's grassroots support, endorse the film and exhibit it to complement their own programs.

"Operation Abolition" churns up the fanatics with an "authentic," "documentary" dress rehearsal for revolution. The enemy is **no** longer in the far-off Kremlin: he is within the gates, "rioting" before their very eyes as he vents his mad lust for power. After the showing, the meeting turns with renewed determination to the tasks of fighting integration, impeaching Justice Warren, keeping America safe for White Gentiles(or even White Protestants), abolishing the income tax and related problems.

The film has not lacked critics. Frequently, when it has been shown at schools, churches and factories, it has been denounced as biased, inaccurate and a contribution to a revival of McCarthyism. And despite the efforts of Fulton Lewis III, the response to the film on the campuses of American universities has been predominantly hostile. The *Protestant Christian Century* and the Jesuit publication *America* have both condemned the film, as have a number of other Catholic organs.

The National Council of Churches has urged Protestant ministers "not to exhibit the film unless a full and fair presentation" is made of all the facts. Editorial or news analyses condemning the film have appeared in the *San Francisco News-Call-Bulletin*, the *San Francisco Chronicle*, the *Capital* (Madison, Wisconsin) *Times*, the *New York Post*, the *Washington Post*, the *Minneapolis Star*, the *New York Times*, the *Nation*, the *Reporter* and the *New Republic*.

Nor has the film succeeded in blocking the abolition movement. On the contrary, the spectacle of a Government-sponsored forgery sold for private profit, for exhibition to hate groups, has broadened the awareness of HUAC's degradation. Not the least of the reasons for the spread of the abolition movement is the California student demonstration which has become for youth everywhere in the United States, a symbol of resistance to HUAC.

12 THE EXPOSURE FORMULA— ITS OPERATION AGAINST ORGANIZATIONS AND GROUPS

The exposure of organizations and groups complements and nourishes the exposure of individuals. The Committee, of course, regards the Communist Party as subversive (but not the Ku Klux Klan, John Birch Society, or the White Citizens Councils) and documents its every move in an extremely sensational manner. The Committee also exposes organizations which it claims are adjuncts of the Communist Party. But a much larger number are exposed solely because the Committee disapproves of their objectives or because they are not sufficiently anti-Communist. To conceal these reasons for moving against organizations, the Committee characterizes them with a special discrediting vocabulary, inherited from its predecessors and constantly embellished: "Communist front," "arm of the Communist Party," "Communist satellite," "formed to advance Communist aims," "Kremlin-inspired," "bulwark of Communist protection," etc.

Thus, the technique of exposing an organization is simple: its aims are denounced as subversive solely because they have also been espoused by the Communist Party. The political dossiers of the organization's officers and sponsors are then offered as confirmation of the organization's subversive character. These dossiers sometimes charge that the individual was once a Party member (e.g., "identified in 1932 by Benjamin Gitlow as a member of the Communist Party"). But if this "corpus delicti" is lacking, the Committee scrapes together other affiliations and connections which it does not like (e.g., "Member Chicago Committee for Peaceful Alternatives," "signer of letter opposing renewal of the Dies Committee," "signer, *amicus curiae* brief in United States Supreme Court in support of Communist leaders," etc.). The Committee is a firm believer in the theory that while a person may occasionally lapse into liberalism, a consistent and active liberal is subversive—even if he cannot be shown to be a Communist.

The false inferences about the politics of the organiza-

tion's leaders or sponsors are then linked to its condemned aims by a scaffolding of new inferences of conspiratorial tactics for which support is invariably found in the writings of Lenin, regarded by the Committee as an infallible prophet with millions of concealed domestic disciples. All that remains is to characterize the organization in a sinister way.

By a fascinating process of subversive cross-fertilization, a relationship to an organization which is exposed as subversive is in turn used to expose all the other organizations which its officers, directors or sponsors belong to or join. If, for instance an officer of the Emergency Civil Liberties Committee happens also to belong to a church group, this automatically gives the Committee a shooting license on the church group. If this structure seems somewhat jerry-built to the reader, it is only because he is insufficiently aware that subversion is "interlocking."

This chain exposure of organizations is an important end in itself, since it permits the Committee to intervene in group expression and opinion formation about the vital issues of our time, from racial integration to peace. It is also a means of replenishing the supply of exposable individuals—now seriously depleted after 23 years. Thus, nonmembership in the Communist Party will not prevent the exposure of an individual who belongs to an exposed organization or who fails to leave it promptly after it becomes suspect. An individual who retains his affiliation "after the organization has been publicly exposed" must be regarded as a secret Communist Party member.

The Committee exposes organizations in a number of different ways. Some of its reports deal exclusively with organizations: for example, in 1944 it issued a report exposing the CIO Political Action Committee; in 1947 it issued reports, among others, on the *Southern Conference for Human Welfare*, and on the *Civil Rights Congress*; in 1949, it issued a *Review of the Scientific and Cultural Conference for World Peace*; in 1950, the organizations denounced included the National Lawyers Guild, the National Committee for Defeat of the Mundt Bill, and the *Honolulu Record*; and in 1952, it issued among other attacks on organizations, a *Review of the Methodist Federation for Social Action*.

In the course of its hearings, the Committee questions witnesses concerning their relationship with particular

organizations. It then puts into the record its own charges concerning the organization and its "subversive" nature. The most thorough form of exposure is to be "cited." This is an official designation of subversion, akin to a judgment of conviction, which is made, first in the Committee's annual report, and then in the form of a permanent blacklist in the Committee's *Guide to Subversive Organizations and Publications*.

The *Guide* is not a legislative document, nor even a report to Congress. It is the Burke's *Peerage* of organizational subversion. The last edition, published in January 1957, lists 628 organizations and publications cited as subversive by various governmental agencies on Federal and state levels. The citations are largely by the House Committee and its Senate counterpart. This is an increase of 180 organizations and publications over the listings in an earlier (1951) edition. Perusal of the *Guide* should cause no tremors of fear for the Republic—fully 80% of the organizations listed are defunct, many since the thirties. These listings—the Bronx Victory Labor Committee, Citizens Committee to Free Earl Browder, the Committee to Aid the Hearst Strikers, New York Tom Mooney Committee, to name a few—are primarily intended as a reference aid for blacklists. Who knows how our security may be menaced by the infiltration of a former member of the Bronx Victory Labor Committee? If a functioning organization wants to be "uncited," there is a way of doing that too. It must purge its officers and staff of those objectionable to the Committee and obtain approval of its aims. A corrective press release will then be issued and its name deleted from the next edition of the *Guide*. Defunct or non-functioning organizations, no longer able to purge, must, of course, be condemned to a purgatory of permanent citation.

The *Guide* also includes the organizations listed by the Attorney General for use in the Government-loyalty program, although the Supreme Court has held that such listings are invalid when the organization has not been properly charged and heard. This does not trouble the Committee—nor does the fact that the organizations which it cites had neither notice nor charges nor hearing. But, then, the Committee explains such procedural niceties are not appropriate to a legislative committee. What the Com-

mittee does not explain is what legislative purpose the *Guide* serves.

It is time we took a closer look at how and why an organization is exposed. In 1956, the Senate Internal Security Subcommittee, in its notorious *Handbook for Americans*, cited the Emergency Civil Liberties Committee (ECLC) on the ground that not only had it defended "the cases of Communist lawbreakers" and offered a "bulwark of protection" to the Party, but that it made "special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself." Nothing further was offered in support of the charges of subversion.

In 1956, the organization conducted a vigorous campaign against political restriction on the right to travel—a campaign which culminated in a Supreme Court decision in 1958, completely vindicating ECLC's position. In 1956, the organization's director, Clark Foreman, sought an opportunity to testify on the subject of passport legislation in a Judiciary subcommittee hearing conducted by Walter. When Walter, as Judiciary subcommittee Chairman, received the request, he answered it in his capacity as Un-American Committee Chairman—with a subpoena.

In June 1956, Foreman and ECLC's general counsel were subjected to a typical exposure grilling. At the conclusion of the hearing, Foreman, who had answered all of the Committee's questions, was threatened with contempt for refusing to surrender his passport, which had just been obtained after onerous litigation. Because Foreman refused to comply with this wholly improper demand, the Committee voted to cite him for contempt—although this action was never carried through in the House. When Foreman subsequently received the transcript of the stormy hearing, there was a serious omission: his testimony linking HUAC with Aware, Inc., a New York group active in blacklisting, was edited out of the transcript.

In November 1957, the Committee issued a report "Operation Abolition" (not to be confused with HUAC's film of the same name) which charged a plot by ECLC and its Middle West and West Coast counterparts, with three traitorous objectives: the shackling or abolition of HUAC, the discrediting of J. Edgar Hoover and the FBI, and the crippling of Government antisubversive programs.

This, the Committee charges, "dovetails with the past program of political subversion inaugurated by the Communist Party."

This fiendish plot, the Committee charged, was inaugurated by a rally at Carnegie Hall in September 1957, following the decision of the Supreme Court in the *Watkins* case. It was followed by an advertisement on November 2, 1957, "You and the FBI," which discussed the rights which the citizen enjoys in his relationship to the FBI. Of this simple straightforward account, the report states that although it "avoids a frontal attack upon the FBI, it cunningly suggests that the FBI engages in tactics of intimidation."

This is the whole "case" of HUAC against ECLC—two and a half pages long. The following eight pages are taken up with a listing of the affiliations and activities of those of its officers and council members who boast dossiers in the Committee's files.

The House Committee's condemnation of the Emergency Civil Liberties Committee is ~~more~~ reprisal. The charge that the campaign against the Committee was a tentacle of a larger plot against the FBI and "the anti-subversive programs of Congress" reflects a new HUAC technique devised to make opposition to the Committee seditious. A similar technique is used by the Committee to protect the Walter-McCarran Act from criticism. The Committee's attempt to share the untouchability of the FBI as common targets of a subversive plot is ludicrous. Even stranger, because wholly undocumented, is the charge that the campaign against the Committee was somehow linked to a plot against security legislation.

Three recent cases dramatize the Committee's new *lèse majesté* thesis. In July 1958, Carl Braden, one of the witnesses in the famed "Louisville Seven" case, and the field secretary of the Southern Conference Educational Fund, was subpoenaed for an appearance in Atlanta later that month while he was visiting at the summer home of Harvey O'Connor, ECLC chairman. The trial record of Braden's contempt conviction leaves no room for doubt that the reason for Braden's subpoena was his activity in support of integration and in organizing a petition campaign against the Committee. This was embellished with

the Committee's customary embroidery about "colonization of basic industry," "Communist techniques" and "Communist propaganda," but the Committee did not try too hard to conceal the retaliatory and purely political motivations for the affair. As Arens put it: "He had something to do with the dissemination of petitioners [sic] which were circulated in the Southland for the purpose of precluding or attempting to produce a softening of the very hearing we proposed to have here." The revealing reference by Arens is to a petition by 200 Negro leaders filed with Congress in opposition to the Atlanta hearing.

Braden had to be exposed for the additional reasons that he was identified with the *Southern Newsletter*, an integrationist publication, and had been served while vacationing with O'Connor, an ECLC official. (Two counts in his indictment involve a refusal to answer a question about his connection with ECLC, whether he and O'Connor had met to "develop plans and strategies" for ECLC.) A purpose of the hearing, the Committee explained, was to determine whether to "cite" ECLC. A final reason for exposing Braden involved his organization's activities in developing resistance to the states'-rights measures offered in Congress, ostensibly to overcome the Supreme Court's ruling in the *Nelson* case to the effect that Federal legislation in the field of sedition had superseded state laws dealing with the same subject. These measures were of special concern to Chairman Walter, who opened the hearing (Governor Griffin of Georgia was an honored guest); they beautifully cemented "security" and Jim Crow.

Braden's one-year jail sentence has just been upheld by the Supreme Court in a 5-4 decision. The Supreme Court's ruling may well encourage the Southern bloc to use the only too willing Committee to combat the movement for integration through the Red smear—a tactic with which legislative groups in Mississippi, Louisiana and Florida are boldly experimenting. Indeed, three Negro ministers in Florida have recently been cited for contempt for resisting attempts to compel surrender of NAACP membership lists to determine whether the NAACP is "Red-infiltrated." J. B. Matthews, former research director of the Dies Committee, has informed the Mississippi legislature that he knows "of no organization in the United States so heavily infiltrated by Communists as the NAACP."

A companion case to Braden's is that of Frank Wilkinson, the director of the Citizens Committee to Preserve American Freedoms. Wilkinson had been subpoenaed to a 1956 West Coast hearing as punishment for his efforts in organizing a meeting protesting HUAC hearings. He had refused on grounds of conscience to answer any Committee questions, but was not cited for contempt only because the session terminated before a Committee quorum could be assembled. His role in the 1957 Carnegie Hall rally for the Committee's abolition marked him as a sure target for reprisal and smear. The Committee was lying in wait for him. Arens' explanation of why he was subpoenaed to the Atlanta hearings was, though spiced with his customary rhetorical flourishes about Communism, unusually frank. He said,

... you were sent to this area by the Communist Party for the purpose of developing a hostile sentiment to this committee and to its work for the purpose of undertaking to bring pressure upon the United States Congress to preclude these particular hearings. Indeed it is the fact that you were not even subpoenaed for these particular hearings until we learned that you were in town for that very purpose and that you were not subpoenaed to appear before this committee until you had actually registered in the hotel here in Atlanta.

Wilkinson was subpoenaed three minutes after he registered. When the marshal was asked how he knew where to find Wilkinson, he replied, "I received a call yesterday afternoon from Washington. They said they were sending a subpoena down for you and that I'd find you at the Atlanta Biltmore early this afternoon."

The Supreme Court, in another 5-4 decision, also affirmed Wilkinson's one-year sentence. The Supreme Court's decisions in these two important cases give HUAC *carte blanche* to punish its critics. All that is needed is a *claim* that the purpose was to gather facts for legislation. What counts is what HUAC *says* it is doing—not what it is really doing.

Early in September 1958, Harvey O'Connor, Emergency Civil Liberties Committee's chairman, was sub-

poenaed as he arrived at a meeting held to protest Committee hearings in Newark. In declining to appear, he pointed out to the Committee that the subpoena did not conform to limitations on the investigative power imposed by the Supreme Court in the *Watkins* case, for its purpose was not legislative, but was an attempted exercise of the power to "expose for the sake of exposure."

How would the Committee respond to this challenge? It could say, as it did, in effect, in justifying the Atlanta exposure of Wilkinson, "*Watkins* or no *Watkins*—a Congressional committee can use its power not only for legislative fact-gathering, but to 'protect' itself from hostile criticism from 'subversive' sources." The Committee decided that what worked in the South might fail in the North and that it needed the help of a carefully phrased legislative purpose to send O'Connor to jail. Legislative purposes gushed from Arens like a mountain stream: Both Congress and the Committee had pending before them measures to amend the term "organizing" in the Smith Act so as to include not only the initial organizing of the Communist Party, as the Supreme Court had restrictively interpreted the term, but also the subsequent organization of entities under the control of the Party. According to Arens, the Committee had "information" that ECLC had been "organized, grouped and regrouped" by the Communist Party; that Braden and O'Connor, both identified as "hard core" Communists, had met in Rhode Island where they "were planning strategies, tactics and organizational activities of the Emergency Civil Liberties Committee."

Besides, the Committee had "factual information and testimony" that "the Emergency Committee was created by the Communist Party for the purpose of discrediting the Committee on Un-American Activities, of hampering the security program of the United States, and of undertaking to tie the hands of the Federal Bureau of Investigation, and to discredit the Director of the Federal Bureau of Investigation." (The "factual information" referred to by Arens was apparently the Committee's own "Operation Abolition" report; but even that far from modest document made no such charges, and as for testimony none appears or is summarized in the brief text of the HUAC pamphlet. Of course, it is quite possible that HUAC has

discovered informers pliant enough to expand the original charges with "testimony.")

In addition, Arens went on to explain, the Committee had high hopes of being enlightened by O'Connor in appraising the need to return to the states the power to deal with sedition. (Arens neglected to explain why O'Connor—never before known to be a champion of states' rights—would be helpful to the Committee in this endeavor.)

Finally, to round things out, HUAC had "factual information" that O'Connor and ECLC were disseminators of Communist propaganda. O'Connor's failure to respond to the subpoena had frustrated the Committee's hope to obtain "factual information" to help it appraise pending legislation and to "maintain a surveillance over existing legislation pertaining to Communist propaganda."

A hundred volumes could not tell us as much about HUAC as Arens' self-serving recital. The "factual information" which HUAC is supposed to have had about ECLC has never appeared in any of its publications, including the tendentious "Operation Abolition" report which was prepared for the purpose of demolishing ECLC. The purpose of the hearing, as announced and as printed, was, "Communist Infiltration and Activities in Newark, N. J."—not the "organizing" provision of the Smith Act and not the states' rights measures to neutralize the *Nelson* decision. Equally suspicious is the fact that not one witness at the hearings was asked about these subjects. O'Connor was not even a resident of New Jersey. The hard fact is that O'Connor's subpoena was an act of reprisal, just as Wilkinson's and Braden's were, masked by a false face.

The amusement with which one initially reacts to Arens' clumsy attempts to "make a record" soon gives way to disgust and concern that the rigging may succeed. Will the trial court believe, as the Committee would like it to, that waiting for O'Connor at the hearing was the grandmother of legislation, and not the wolf of exposure dressed in her clothes? And beyond the O'Connor case are the larger questions: how meaningful are our basic liberties and their judicial safeguards when the people's representatives deceive both the people and the courts in order to destroy the right of dissent? Indeed, how safe is democratic government when personal vindictiveness and dishonesty replace the ethical preconditions for the exercise of power?

The formal "citation" of ECLC came in the Committee's 1958 annual report. HUAC has used it precisely as though it were a judgment of condemnation made by an authorized tribunal under the law after due hearing. Who will ask by what authority HUAC sat in judgment on an organization, or in what way the "citation" furthers the legislative process? But ECLC attacked HUAC. ECLC stands condemned.

Another cow, which is almost as sacred as HUAC itself, is the Walter-McCarran Act. In 1956, the demands for amending the act were mountainous. There were no less than 78 bills in Congress amending or revising the Act. President Eisenhower, for the third time in three years, urged Congress to revise what he called its "discriminatory and inequitable" provisions.

The pressure on Walter, as Chairman of the Immigration subcommittee, to process these amending provisions was enormous. In response to this pressure, Walter as HUAC Chairman, launched hearings to discredit the entire movement for amendment as a Red plot. Ironically enough, in the hearings which he did conduct, he subpoenaed correspondence between private citizens and their Congressmen in which the latter complained of Walter's refusal to hold hearings or permit amendments to the law.

As the *New York Times* stated, the Committee "was collecting data for a counter-attack in advance of the prospective legislative battle. The Committee already has in its files bales of similar testimony from the same persons as it is now hearing and proposes to hear. The Committee's point, apparently, is to show again that many of those persons or groups favoring modification of the present immigration laws have been touched by Communism."

These hearings, held coast-to-coast for 13 hearing days, are published in a tome of almost 1,000 pages and are among the most remarkable ever held by any Congressional committee. The entire record consists of the exposure of about 120 unfriendly witnesses. For 1,000 pages these witnesses are attacked in a stepped-up exposure routine, jeered at, insulted, but asked nothing about the ostensible subject of the hearings, the Walter-McCarran Act. No less than seven lawyers were subpoenaed and harassed—solely because of their efforts in behalf of the

foreign-born—but were not permitted to speak a word in criticism of the Walter-McCarran Act.

The immediate target of the hearings was the American Committee for the Protection of the Foreign Born. HUAC was entirely undisturbed by the circumstance that the Subversive Activities Control Board (SACB) had already conducted hearings and that the status of the American Committee for the Protection of Foreign Born was then pending before it. Indeed, HUAC introduced into the record much of the material which had already been introduced in the administrative proceeding. HUAC subpoenaed many of the records of the American Committee for the Protection of the Foreign Born, as well as of area committees which have the same objectives. These subpoenas called not only for documents, but correspondence. Out of these documents and correspondence, together with many others obtained independently by HUAC, a record was made which was subsequently printed as an appendix to the hearing, over 1,300 pages long, a grab-bag of materials dating from the thirties.

Many documents in the appendix were obtained through FBI plants who stole them from the American Committee. Cross-examination of one of the Department of Justice's witnesses in the SACB case against the American Committee disclosed that, as a paid plant for the FBI, the witness had become a volunteer worker for the Los Angeles Committee for the Protection of the Foreign Born and had taken from the Los Angeles Committee's files and passed on to the FBI numerous papers, including correspondence.

The proceedings of a banquet given by the American Committee appear in HUAC's appendix, as well as a seating chart and notes for the chairman on the agenda. These also were stolen by an informer. In addition, it appears that the text of the speeches at the banquet were taped by an FBI agent at the banquet; the transcription appears in HUAC's appendix. In short, the appendix is a good example of the beautiful teamwork which has developed between HUAC and the FBI.

Attached to the appendix are two indexes. One index of 115 pages contains nothing but names, over 2,000 of them; the other index, some 20 pages long, is an index of organizations. The 2,000 individuals are regarded as subversive by the Committee because of their support of

the rights of the foreign born. They include Mrs. Eleanor Roosevelt, Arthur Schnabel, Yehudi Menuhin, C. Wright Mills, Emily Greene Balch, Zechariah Chafee, Jr., and scores of other distinguished Americans.

Apart from the usual roster of informers to identify witnesses, the hearings rely on the testimony of a single friendly witness—Colonel Archibald Roosevelt, who spoke for three Network organizations: The Alliance, the American Coalition of Patriotic Societies and the Sons of the American Revolution.

The nation-wide hearings, the elaborate appendix and indexes, according to the Committee, document a brand-new technique used by the Communists. This technique is described in a special report issued in August 1957, *Communist Political Subversion—The Campaign to Destroy the Security Programs of the United States Government*. Despite the comprehensively ominous title, the report deals almost exclusively with the American Committee for the Protection of the Foreign Born, with special emphasis upon that Committee's opposition to the Walter-McCarran Act.

A preliminary analysis (not even faintly supported by the rest of the report or the hearings) develops the thesis that the entire security system of the United States is menaced by a campaign of Kremlin agents to use political subversion to accomplish the political destruction of our system far more completely and effectively than "could have been achieved by the classic means of force and violence." According to HUAC, the Communist Party, acting through the American Committee for the Protection of the Foreign Born, is seeking to wipe out the Walter-McCarran Act, the Internal Security Act, the Smith Act and all other legislative and executive action "aimed against the Kremlin conspiratorial organization in the United States." In one sweeping smear, HUAC dismisses nation-wide opposition to the Walter-McCarran Act as subversive.

HUAC explains its equating of immigration control with security on the basis of the testimony of two "experts." The first, Colonel Roosevelt, testified that our weak immigration laws had permitted Red agents to breach our shores for many years. Furthermore, the Reds were determined to see to it that the army of Kremlin forces in this country, poised to seize power, could not be deported

or denaturalized. The second authority, Louis Budenz, had testified before another committee that the Kremlin plots to get weak immigration laws in this country to make it easy for "political tourists" and "Comintern agents" to breach our shores for subversive purposes.

How simple it is—150 years of social, economic and cultural history swept under the rug in the name of "security." But HUAC still had to explain why so many individuals and organizations (indeed, the Eisenhower Administration itself), had opposed the Walter-McCarran Act. It had also to explain why the President's Commission on Immigration and Naturalization, in 1952, had thoroughly demolished the statute, after lengthy hearings in which virtually all sectors of our national life were heard in criticism of the law—teachers, lawyers, fraternal orders, religious groups (Jewish, Catholic, and Protestant), social workers, civic groups and experts in the field. This is simple, too. It is the successful outcome of the Kremlin strategy of political subversion against the entire security system of the United States. "By concealing its real purposes in fraudulently humane language," the Communist Party duped thousands of well-intentioned people into opposing the law. The Party's machinations were also responsible for flooding Congress, as well as the platform Committees of our state and national political parties, and the state legislatures, with appeals calculated to give the false impression that "popular sentiment exists for debilitating the nation's immigration and security system." Finally, the Committee darkly notes that the proposed changes in the Walter-McCarran Act, "and the other security measures," coincide with the objectives of the Communist Party.

The entire movement against the Walter-McCarran Act is thus an example of "political subversion" because (1) it includes Communists; (2) the Walter-McCarran Act is like a sedition statute because Communists who oppose sedition statutes also oppose this statute; (3) the Act is not an ordinary security statute but the one on which the safety of the entire Republic rests; (4) opponents of such a super-security measure must be either dupes or Kremlin agents; (5) the very size of the opposition to the Walter-McCarran Act proves the effectiveness of this plot to overthrow the Government by means more efficient than

force and violence. If you are not convinced, maybe you, too, are a dupe of the Kremlin—or worse.

Reprisal inspired another HUAC attack on an organization in 1956—The Fund for the Republic. The Fund's president, Robert M. Hutchins, had courageously announced that in his view a qualified person should not be denied employment because he was a Communist. The Fund had gone so far as to hire an individual who pleaded the Fifth Amendment before a Congressional committee. Something had to be done about that—such a policy jeopardized the whole exposure system.

In 1954 and 1955, Fulton Lewis, Jr., HUAC's favorite spokesman and advance man, had persistently attacked the Fund. It was, therefore, with a note of triumph that he informed his radio listeners in November 1955 that his demand for an investigation of the Fund had borne fruit and that an investigation would be undertaken after the first of the year, when the preliminary staff work would have been completed. Lewis' prediction was confirmed by a Committee press release in December which promised an investigation of the Fund and its president, Robert M. Hutchins.

On the heels of the press release, a Committee investigator, Karl Barslaag, began to probe the Fund and examine documents in its files. Barslaag is a former employee of the McCarthy subcommittee and of the Americanism Commission of the American Legion, which he served as a leading theoretician. The Fund's counsel, Bethuel Webster, a distinguished New York lawyer, tried to see Walter about the proposed hearing. When Webster was finally granted an interview, Walter asked him whether or not the Fund was financing attacks upon the Walter-McCarran Act and whether it was becoming interested in immigration problems.

At the end of the interview, Walter personally served Webster with a demand for the production of a huge mass of papers dealing with the Fund's activities. On June 11, 1956, Walter startled the country with a press release that the Committee would begin hearings on June 27 to determine whether the Fund itself was a "friend or foe in our national death struggle against the Communist conspiracy." Walter added the disclaimer that he was not then passing judgment on the Fund, but was seeking only "objective facts."

Webster tried in vain to get a list of the proposed witnesses, to be assured the opportunity to cross-examine and, if necessary, to introduce witnesses for the Fund. Staff director Arens told him that no cross-examination would be allowed and indicated that the hearing might be adjourned after the Committee witnesses had been heard. When a promised list of witnesses was not received, President Hutchins wrote to Walter requesting equal time for each day scheduled for the hearing to present the Fund's witnesses in order to develop the "objective facts." Hutchins, a teacher of legal procedure and evidence before he became an educator, observed that if hostile witnesses were permitted to dominate the proceedings without an opportunity for explanation by those in possession of the facts, the likelihood of a smear would be great.

Instead of replying to Hutchins' request, the Committee suddenly announced through the press that the hearing scheduled for June 27 to probe the Fund itself had been indefinitely postponed because "new areas" and additional facets had to be probed. The urgent need to determine what side the Fund was on in the death struggle with Communism had suddenly vanished after seven months of investigation and a thorough examination of the files.

Having thus hit the Fund and run, the Committee returned to the attack in July, shortly after the publication of John Cogley's Fund-sponsored study of HUAC's blacklist in the mass entertainment media. Again, Fulton Lewis Jr. was used as an advance agent of the Committee's probe. When Cogley was subpoenaed, it was obvious that HUAC would make a flank attack on the Fund through the study on the blacklist hearings instead of hitting the Fund directly. Hutchins tried once more to get the Chairman's assurance that the Fund would have an opportunity to defend itself—again without success.

A subsequent request, made after the blacklist hearings were begun, was rejected on the ground that the Fund was not being investigated. At "an appropriate time" its representatives would be heard. They never were heard.

Cogley had been informed in advance that the hearing would be in executive session. In reliance upon this assurance his counsel did not think that a lawyer would be necessary. When he came into the Committee room with-

out counsel, he discovered that the hearings were to be open indeed. The press, television and radio were all on hand in full array.

The blacklist hearings illuminate the sharply polemic way in which the Committee uses its powers. Cogley was subjected by Arens to a sneering, hostile cross-examination. He was the only witness to be asked exposure-type questions ("pick up the thread of your life and give us a chronology of the principal employments which you have had since the completion of your formal education"). Arens applied a brush soaked in smear. He charged that the Catholic magazine, *Commonweal*, of which Cogley had been Executive Editor, was not a bona fide Catholic publication; that the Fund's president approved of the employment of Communists; that an anti-Communist member of the blacklist study staff had been a member of the Young Communist League (more than twenty years earlier); that a second staff member, also strongly anti-Communist, was a Socialist ("You, of course, are aware of the fact that Lenin, the key philosopher of Communism, has said that socialism is only one transition toward Communism. . . . And Socialists are only people who are conducting the transition from Socialism toward Communism").

A third staff member was attacked because she had arrived in this country in 1945 and had been a member of the Social Democratic Party in Austria. In addition, Arens charged that Cogley had failed to consult with the FBI, which, one is surprised to learn, "has an accumulation of information which is available to such organizations as the Fund for the Republic and other such groups upon solicitation."

The cross-examination of Cogley disfigured his study on HUAC's blacklist by selecting from it a few cases, ignoring scores of others, and shaping the record to Arens' rather special needs. Apart from two carefully chosen blacklist victims, almost all of the other witnesses were fanatic Committee partisans (James O'Neill of the American Legion, Vincent Hartnett, Roy Brewer, Francis McNamara, etc.). These witnesses were simply used as instruments to discredit the Fund-sponsored study. In contrast to the treatment given Cogley, they were glorified and congratulated on their patriotism, humanity and objectivity. For example, when McNamara, then involved in

Americanism work for the VFW, former editor of *Counterattack*, and publisher of *Red Channels*, a blacklist's bible, left the stand, Congressman Kearney lauded his testimony: "It contrasts to some of the other testimony we have received." And the Chairman added, "Yes, it is very refreshing to receive the testimony of those who have no axes to grind." Mr. McNamara is now a \$12,000 a year Committee "research consultant." Not one "security officer" from the advertising agencies of the mass entertainment fields (movies, radio, TV), in which blacklisting is a structured part of the hiring process, was called to testify. The hearing, combining the techniques of a prosecutor driving for a conviction and a high-school debater scoring "points" over his adversary, turgidly develops the following notions:

1. There is no evidence of "blacklisting" and no "blacklist"—words which the Committee invariably surrounds with quotation marks or prefaces with "so-called."
2. Anyway, there is no physical list.
3. Certain individuals are "precluded" or "disassociated" from employment because they are "controversial." These individuals are without exception "hard-core Communists." This state of affairs is true of the movies, television and radio, but not entirely true of the Broadway stage.
4. The inability of the Committee to drive its victims off the Broadway stage demonstrates that: (a) The Cogley study is exaggerated; (b) the Communist propaganda line against blacklisting has "completely falsified" the true facts, and (c) Broadway is subversive because it hires actors who "are part and parcel of a treasonable apparatus."
5. It is subversive to apply to this state of affairs the "odious term," "blacklisting" which is used by the Communists to create sympathy for their adherents.
6. There is no such thing as "clearance" or clearance agencies because there is no blacklist; how can an individual require relief from an injury from which he has never suffered?
7. There are certain patriotic and humanitarian individuals and groups who help "rehabilitate" or "recreate a climate of employment for" the repentant, the dupe and the unjustly accused.

8. The real blacklist, ignored by the Cogley study, is directed against the friendly witnesses and is Communist-inspired. There are also individuals who, as a result of being "named," cannot find work despite their readiness to cooperate by naming others. These people deserve the Committee's compassion and will receive a hearing on request, "not," of course, "to the end that we either clear or convict, because we do not have that authority," but so that the testimony may be officially received under oath.

Many newspapers denounced the hearing, an undisguised attack on a publication solely for the purpose of discrediting it, as censorship. They may have become convinced by the Chairman's explanation: "We called on you for the purpose of ascertaining what your sources were in order to determine whether or not your conclusions were the conclusions that we would have reached had we embarked on this sort of project."

The Fund enraged Congressman Walter when, in 1955, it made an award to the Plymouth Monthly Meeting, a Quaker group, because of its support of its Library Committee in refusing to dismiss a librarian who had, prior to her employment, pleaded the Fifth Amendment before a Congressional committee. The fact that the Plymouth Monthly Meeting had acted out of religious conviction did not spare it or the Fund from Walter's wrath. What would happen to the entire exposure operation if asylum were offered to Committee victims who refused to act as informers?

HUAC "investigated." The Fund witness was Mrs. Maureen B. Ogden, not a Fund officer but an employee who had merely investigated the facts surrounding the award to the Plymouth Monthly Meeting. Although she obviously was not responsible for the award, she was made the target of the Committee's attack on the Fund. Mrs. Eleanor B. Stevenson, the Fund director and committee chairwoman who had recommended the award, flew from a vacation in Mexico to the Philadelphia hearing to refute the charges, but she was not permitted to testify.

The challenge to religious principles posed by the hearing was emphasized by the Plymouth Monthly Meeting when it refused to comply with a Committee subpoena for its records and minutes on the ground that it "is a

religious society and its records protected by the First Amendment from subpoena by a government body." But it must not be thought that the Committee was hostile to Quaker beliefs: Arens championed the "Quaker principle of unanimity" and arraigned Mrs. Ogden for having disregarded it in reporting to the Fund!

Although Mrs. Stevenson was forced to return to Mexico unheard, the Committee did not, even after the hearing, relax in its efforts to discredit her and the Fund. About a month after the award hearings, Fulton Lewis Jr. read to his radio audience a handwritten letter of Mrs. Stevenson to an officer of the Fund concerning the Plymouth award, dated March 14, 1956. This letter had been subpoenaed from the Fund by Walter, together with other files about the Plymouth Meeting award. When the letter was read, the Fund's counsel sent a wire to Walter protesting making available to the radio commentator documents obtained under subpoena that were never made a part of the record. Walter never answered.

The Plymouth Meeting affair drew from a group of leading Philadelphia Quakers the charge that "We regard such inquiries as a serious transgression upon the complete division between church and state which is one of the important foundations of our democracy."

Walter's charges and insinuations about the Fund's "political subversion," as the Fund pointed out in reviewing the affair, "would have been proven false if the Fund for the Republic had been given the full hearing demanded by the American tradition of fair play, due process and common decency."

In an intensely personal sense, Walter loathes the Fund and all its works. His refusal to take on the Fund frontally hardly spells finis to his vendetta with the Fund. There was more exposure mileage in hitting at the Fund selectively and running. Walter still vows that the showdown, "friend or foe in the struggle against Communism," hearing will be held as soon as staff investigation is completed. There may never be a full-dress exposure hearing; there doesn't have to be. Walter, a master of the cat-and-mouse game, knows that properly timed press releases threatening a probe are potent blackmail to keep an organization in line. In the meantime the Network has been alerted to the pursuit of a new witch—a "multi-million dollar propaganda machine."

To those who may be puzzled about the legislative justification for investigating the Fund, the Committee has a ready answer: it operates with tax-exempt funds. The fact that the Committee has no jurisdiction in this field would only occur to coddlers of subversion.

13 HUAC AND RELIGION

The Committee has long been convinced that many American ministers and clerical groups are engaged in un-American activities. Constitutional separation of church and state and the guarantee of religious freedom have not prevented the Committee from using its powers of propaganda and exposure in the field of religion. The target of the Committee has, over a decade, been the social application of Christianity—the theory and practice of many of the Protestant churches in this country that whatever concerns man and his welfare is a concern of the church and its ministers. The social and ethical demands of religion have involved many church groups in the important public questions of our time: peace, foreign policy, integration, the rights of labor, social-welfare legislation, the United Nations.

The repression of the fifties confronted the church with new challenges: jail terms for political offenses, loyalty oaths, violations of right of conscience; the abuses of McCarthyism; the glorification of informers; the attacks on dissent; book-burnings. Of all groups in American life who traditionally have contributed to the process of opinion-formation, many of the Protestant churches spoke out most effectively against the witch-hunters.

By the early fifties, the churches felt the impact of the repressive movement which gripped our entire culture. The threat of Communism and the intimidation of church leaders had silenced large sections of the church in matters of the application of the social gospel to contemporary issues. The excesses of the witch-hunt, too, won a troubled acquiescence from many churchmen.

The confusion and division in the church placed in a

vulnerable position the ministers who refused to abandon their responsibilities. Equally important, this schism jeopardized the social-action groups of the great denominations who had committed themselves to programs which brought them into conflict with HUAC. Finally, this division stimulated the growth in power and influence of a number of reactionary splinter religious groups. These include the Circuit Riders, The American Council of Christian Laymen, the American Council of Christian Churches, the International Council of Christian Churches, the Christian Crusade and the Church League of America: all are opposed to modernism in religion and liberalism in the interpretation of the Bible; they proclaim various versions of the "old time religion," all of which view Christianity as irrelevant to the problems of social welfare or justice. They bitterly oppose the policies of the National Council of Churches of Christ, the dominant cooperative church body in the United States, and especially its 1952 revision (Revised Standard Version) of the King James translation of the Bible.

Many of their leaders are self-seeking demagogues with a talent for sensationalism—the McCarthys of the pulpit. Some of them have been driven out of the major denominations; others have organized movements catering to the rankest bigotry—anti-Catholicism, anti-labor, racism, and anti-Semitism. The Red issue afforded them an ideal opportunity to convert charges of apostasy into subversion in their theological warfare. Today these groups are drawing increasing support and subsidies from the South, and are playing a vigorous role in resisting church-centered movements in furtherance of integration.

These fundamentalist groups became an important HUAC weapon in the fight against the social gospel. They fed into HUAC's files material seeking to discredit church leaders and church groups. In turn, these dossiers—now bearing the Committee's official imprimatur—were used to conduct theological and political warfare against the church leadership. The extremist religious groups are an important segment of the Network. They give religious sanction to the entire movement of the ultra-right and are highly successful in carrying its message to the grass roots. Their fanatic zeal enabled the Committee to attack the loyalty of churchmen without assuming responsibility for its actions or appearing to invade the doctrinal autonomy

of the churches, and it gave the theological critics of the churches an effective means of sowing mistrust of church leadership. There were many victims of this undercover smear tactic, including Bishop Henry Knox Sherrill, Bishop Henry W. Hobson, and hundreds of others.

A notorious example of this technique was a file report issued by HUAC in the early fifties on the National Council of Churches, which said:

The Committee on Un-American Activities has never investigated the National Council of Churches of Christ in the United States of America, nor has it made any finding concerning the activities of the group. However, public records, files and publications of this Committee contain the following information.

This was followed by 21 pages of smear material attacking many of the most distinguished religious leaders in the country.

The Committee's master strategy in moving against liberal Christianity is to exploit the theme of Red godlessness. The church is invited to join the Committee as a partner in a struggle against "Communistic atheism." Ministers and church movements which fall under the Committee's disapproval are not only subversive but betrayers of their faith to the powers of darkness.

HUAC first gave tentative expression to its thesis that certain forms of religious expression are un-American in a 1948 publication, *100 Things You Should Know About Communism and Religion*. This pamphlet, reprinted in a 50,000-copy edition in 1951, is one of a series (others deal with labor, education and government) and was written "to help you protect your religion and faith from Communist attack by showing you exactly what the Communists are up to." The pamphlet attacks the social gospel by charging that it is a cover for the spread of Communist ideas—the Committee's favorite theme. The basic assumption of this pamphlet is that HUAC is an authoritative judge of what is true religion and what is not. Its underlying thrust is that religion, as defined by HUAC, requires Christians to enlist in a holy war against the Reds.

Two of the questions in the pamphlet dealt with the Methodist Federation for Social Action, which was char-

acterized as "a tool of the Communist Party . . .; it is trying to use the prestige of the Methodist Church to promote the line of the Communist Party." No proof was offered of this charge. The Committee subsequently admitted that it had made no investigation of the Federation. The only support offered for the charge was that the Methodist Federation had been "denounced by numerous loyal American Methodists." These loyal denouncers were, of course, the fundamentalist groups in the Church who had turned to the Committee for help in their crusade against the social gospel.

In 1952, the Committee published a *Review of the Methodist Federation for Social Action*. The Committee explained that "a careful and studied review" was required "because of the many inquiries about the organization." HUAC was under pressure to get a report out as quickly as possible. The "careful and studied review" turned out to be, not an objective study, but a hasty scissors-and-paste compilation of the tendentious material in the Committee files, concluding with a clumsy attempt to equate the social gospel with Marxism.

The *Review* was one of the early fruits of the collaboration of the Committee and the Circuit Riders, Inc., an organization of Methodist laymen formed in 1951 to fight liberal trends in the Methodist Church. One of its initial goals was to liquidate the Methodist Federation. Congressman Velde, himself a Methodist, had ties with the Circuit Riders and subsequently boasted that he had personally worked on the *Review*.

The *Review* was ordered printed in February 1952. Its release date and its contents were known in advance to the Circuit Riders. This fundamentalist group obtained enough copies of the review to mail to each of the delegates to the Methodist General Conference, which held its quadrennial session in May of that year. Thus, the authority of the Government was brought into the deliberations of a church body for the sole purpose of obtaining conformity to the Committee's interpretation of Methodist religious teaching. This was a historic step. But there were few to protest.

The *Review* was only a curtain-raiser to a large-scale Committee attack in 1953. In the spring of that year, Velde, who had long been anxious to take the clergy to

the Committee's woodshed, announced that he was considering hunting for Communists among the clergy. The proposal was greeted by a storm of protest. Church groups were fed up with the Committee's sniping, its alliance with individuals discredited and deposed by the great denominations, its release of slanderous and uncorroborated charges, its meddling in religious affairs. Rarely in its entire history had so much bitter criticism of HUAC been stirred.

Thus, the May 1953 issue of the *Outlook*, the official journal of the National Council of Churches, attacked the proposed investigation because it "would raise a serious question about the relation of Church and State and the constitutional guarantee of freedom of religion." The *Outlook* went on to deplore the confusion of a "liberal" Christian or honest advocate of social reform with Communists. This is something which is now happening in an alarming and inexcusable degree."

The account points to the case of the Rt. Rev. Henry Knox Sherrill, presiding Bishop of the Protestant Episcopal Church, whose loyalty was attacked on the basis of material in the Committee's files. "The allegation against him is that he was a sponsor of a Congress of Soviet-American Friendship, and the reader is left to assume that this means a reprehensible pro-communist attitude. But now note the facts which the document of the Committee on Un-American Activities wholly omits. The date of the sponsorship was 1942, when the U.S.A. and the U.S.S.R. were allies in arms, and when it was a patriotic duty to support the war." The *Outlook* article goes on to state, "The case of Bishop Sherrill is not an isolated one. There are hundreds of other clergymen who have been treated with similar unfairness and similar un-American procedure."

On May 17th, the Very Rev. (now Bishop) James A. Pike preached a sermon on social action in dealing with attacks by Congressional committees, in the course of which he said:

How can churchmen best counteract the present unwarranted assaults, threats and fulminations of the Un-American Activities Committee? They can of course quite properly protest the Un-American character of this committee's procedures, its trial by press and television, its reversal of the principle that a man is innocent until proven guilty. But important as

this approach is, it is negative. A positive counter-assault should be launched. One reason why it has been possible for these congressional smearers to highlight particular Christian leaders is that the church as a whole has been increasingly silent in recent years about the social application of Christianity, leaving those still so concerned in a conspicuous "exposed" position. The church has been in retreat from the confusion which has been engendered by the world communist threat. Let the church rise to its responsibilities to bring a critique on unrighteous conditions in our land, and we will demonstrate that there is a healthy ferment that is by no means communistic and in fact is the best defense against communism, because it addresses itself to the conditions that breed communism. We will thus so surround our brethren who are smeared (like Bishop Oxnam and Sherrill) that there will be confusion in the smearers' camp—for they will know that they cannot investigate us all, and if they try to smear us all they will be made ridiculous in the public eye.

Other church groups and religious periodicals deplored the repression, the slander, the accusation and distrust fostered by HUAC. The *Christian Register* of May 1953 stated in an editorial "Whom Do The Congressional Committees Fear?": "The internal threat to this country is the misappropriation of the investigating rights of Congressional committees. Instead of doing their proper task of investigating for the purpose of making law, they take on the coloring of judicial and executive procedures."

The churches had recognized that the Committee was threatening the very values by which they lived. Nor were they intimidated by a warning from Velde that criticism of the proposed Communist hunt was itself evidence of subversion. And they were equally unimpressed when Velde gave assurances that only some ministers might be called as individuals. But the use of Congressional power as a weapon against religion took on a new dimension when Senator McCarthy, on June 22, appointed J. B. Matthews (see Chapter 2) as chief aide to his Committee.

Matthews had written an article for the July issue of the *American Mercury*, "The Reds in Our Churches," charging that "The largest single group supporting the Com-

munist apparatus in the United States today is composed of Protestant clergymen." Matthews claimed that this group numbered 7,000.* Their subversive taint was ascribed in part to the "vogue of the 'social gospel' which infected the Protestant seminaries more than a generation ago."

The May reaction was as nothing in comparison to the wave of protest which greeted the article and the appointment of Matthews. Scores of ministers communicated directly with Congressmen. Heads of denominations made a point of publicly denouncing the witch-hunters. All over the country, Protestant clergymen delivered sermons against the new inquisition. One of the country's leading Protestant theologians, Dr. John A. McKay, president of the Princeton Theological Seminary and moderator of the Presbyterian Church in the U.S., said:

We have come to a moment when in certain circles in our country, you can be anything you want, if you are anti-Communist. You may be a liar, a rake, or a Fascist: everything is condoned so long as you vociferate against Communism.

I am not ashamed of any document I ever signed or any cause I ever sponsored, whether it was in the interest of Republican Spain, or in favor of Spanish refugees from Fascist tyranny, or to advocate repeal of the McCarran Act. . . .

We confront the Twentieth Century American version of the Sixteenth Century Spanish inquisition.

On July 9, President Eisenhower, after vigorous objections had been lodged by the representatives of the three leading faiths, spoke out against indiscriminate attacks against the clergy. On the same day, McCarthy dismissed Matthews. All of these developments confronted the Committee with a serious dilemma: should it confess error or try to prove a case? At stake was not merely a single investigation, but the entire campaign against the social gospel. Matthews might still be vindicated and the army of his critics routed.

* This same figure was repeated in April 1961 by Robert Welch, Jr., leader of the John Birch Society. And no wonder. Matthews is now associate editor of *American Opinion*, the Birchers' official organ.

The Committee knew that religion was dangerous territory; it decided to reconnoiter first in secret sessions. At these sessions, held on July 6, 7, 8, 13 and 14, 1953, the Committee heard from six witnesses. Five of them—Philbrick, Kornfeder, Gitlow, Manning Johnson and Leonard Patterson—were ex-Communist informers and professional witnesses. The sixth was Colonel Archibald Roosevelt, who, as in the case of the Walter-McCarran hearings, was called to give brief endorsement to the Committee's aims. He adjured the clergy to "save souls—not to save forms of government or advocate alien doctrines."

The remainder of the hearings were taken up with the testimony of the five informers. These witnesses were not only asked to name names, but also to testify as experts. It is quite plain that they had been commissioned long in advance of the hearing to make a case against the clergy and that they had made elaborate preparations. No one has ever discovered who footed the bill for this venture and how much was actually paid out. What is perhaps more important is that the Committee had gone to great lengths to bring together five informers who not only denounced ministers and rabbis as untrue to their faiths, but testified as experts about the nature and programs of religious organizations.

The Committee's resort to informers usually bears a direct relationship to its probative requirements: as the probative need increases, so does the reliance on informers; the more far-fetched the charge, the greater the perjury. The application of this formula to the clergy involved peculiarly offensive irony: Witnesses notorious for their conscienceless pliancy testified attacking ministers of the gospel as betrayers of their faith.

This vicious use of informers was made clear from the hearings themselves, which had as their purpose a massive attack on long-established, well-understood and widely recognized ethical demands of religion, and on the exclusive right of the churches to act as judges of the religious conduct of their members and ministers.

Herbert A. Philbrick, FBI spy in the Communist Party, was the Committee's first witness. Philbrick admitted that after nine years as an FBI plant, he had no "legal evidence" that there were any Communist Party members among the clergy. He testified that he had been told of two clergymen who were members. Neither of these men had been named

as Communists in Philbrick's book *I Led Three Lives*, and only one of them had been named by him in an earlier appearance before the same Committee in 1951. Pressed for more names, the informer said that he had heard of seven or eight ministers who were Reds, but that the furtiveness of their operations had prevented their detection. He finally identified three ministers as working "with the Communist Party" or "operating under Communist Party discipline." All three of these ministers denied Communist Party membership and were ready so to testify under oath.

One of them, Dr. Donald Lothrop of the Boston Community Church, pointed out that the pulpit of the Community Church had been occupied by men of all political beliefs and faiths. Philbrick later told a Boston audience that Dr. Lothrop might demonstrate his loyalty by admitting to his pulpit such anti-Communists as Roger Baldwin. In point of fact, Baldwin *had* spoken at the Community Church.

Desperate to justify its attack, HUAC made public Philbrick's evidence. He was furious, and charged that HUAC's release of his testimony had been premature and "a bad mistake." He explained that his evidence had been "in the nature of leads and tips to be followed for further facts," and that he had not expected the Committee to release testimony, including names, that he had given in executive session. "The Committee has played right into the hands of the Communists," he added.

The Committee then turned to the veteran ex-Communist, Joseph Kornfeder, a professional witness with a memory sensitively attuned to the prosecutive needs of each particular case. He recently performed as an "expert" in aid of a Louisiana legislative committee which needed "proof" that the NAACP is a Red-tainted organization. (A number of courts have refused to credit his testimony.) He testified, but not "from first hand," that 25 or 30 years ago the Reverend Harry F. Ward had met in Moscow with important leaders of the Soviet Union. "I am fairly certain in my mind," he said, that Dr. Ward "saw . . . Joe Stalin." Kornfeder gave it as his personal opinion also that there were about 600 secret party members among the clergy, an estimate based on "knowledge I have in this field." When Representative Scherer expressed surprise at the smallness of the number, the witness conceded that it

"might be an underestimation." He added that there were "three or four thousand fellow-travelers."

The third witness, Benjamin Gitlow, entered a sweeping condemnation of the social-gospel movement. Without offering any substantiating evidence, he charged that among the ministers who "carried out the instructions of the Communist Party or collaborated with it" were John Haynes Holmes, Irwin St. John Tucker, and the late Rabbis Judah L. Magnes and Stephen S. Wise. Gitlow was expelled from the Party in 1929. Gitlow also charged that the Reverend Jack R. McMichael was a "leader of the Young Communist League." But when Gitlow was expelled from the party in 1929, Reverend McMichael was 11 years old.

Manning Johnson spent three days on the stand. Johnson was an ex-Communist and professional witness who admitted having perjured himself on the stand and vowed that he would "do it a thousand times" in the interests of the FBI.

Johnson had been one of the witnesses in the second Harry Bridges case, in 1949, who testified that Bridges attended a 1936 Communist Party convention meeting in New York City. Bridges' counsel demanded that Johnson be charged with perjury and asked that he be held in custody for grand jury action. The trial judge refused to do so, but directed him to hold himself in "readiness for the processes of this court until the conclusion of the trial." The Court of Appeals for the Ninth Circuit commented on this testimony (199 F. 2d 811, 841):

Considerable doubt is thrown on this aspect of the case by reason of the fact that it was established, apparently beyond controversy, that at the very time the 1936 convention was being held, Bridges was in Stockton, California, making a speech at a union meeting. If he was there he could not have been present at the 1936 convention. . . .

In 1954, Johnson and another informer, Leonard Patterson, who also testified against the clergy, had accused Dr. Ralph J. Bunche, a U.N. official, of Communism. This testimony was refused credence by the International Organization Employees Board. After Johnson had appeared as a witness in the Communist Party case before the Sub-

versive Activities Control Board, the lawyers for the Party attacked his testimony in the Bunche case as perjurious. The Government did not deny the charge, and his testimony was stricken from the record in the Communist Party case pursuant to a Supreme Court decision. After 1954, Johnson was stricken from the rolls of Government witnesses. But in 1953, HUAC heard Johnson link the clergy to espionage and sabotage. Equipped with photo-stats of various public pronouncements by the clergy, Johnson developed an elaborate chain of organizational relationships from which it would appear that almost every manifestation of liberal Christianity in the last several decades stemmed from the Communist movement. He declared that the United Christian Council for Democracy, whose executive committee was headed by one of the country's most astute anti-Communists, Dr. Reinhold Niebuhr, followed a policy "based upon the program of the Communist Party for the infiltration of the various Protestant denominations on the basis of conditioning them mentally and organizationally for the overthrow of the Government of the United States."

Johnson and Leonard Patterson identified the Reverend Jack McMichael as having been a member of the "New York District" of the Young Communist League in 1934 and 1935, although, in fact, McMichael was enrolled at that time as a freshman of Emory University in Georgia. During the 1950 hearing on Communism among New York school teachers, trial examiner Kiendl rejected the testimony of this same Patterson as unworthy of belief. During the same year that Patterson was recruited to testify against Reverend McMichael, the Government Immigration Appeals Board on three occasions found his testimony so contradictory on its face that they officially rejected it as unworthy of belief.

Shortly after these hearings, Bishop Oxnam was heard by the Committee in a stormy ten-hour session. The subject of these hearings, requested by the Bishop, was the Committee's files which, for a period of seven years, had been used to pillory him. The Committee's file and reference service, charged the Bishop, "gives rise to a new and vicious system of Ku-Kluxism in which an innocent person may be beaten by unknown assailants, who are cloaked in

anonymity and at times immunity and whose floggings appear all too often to be sadistic in spirit rather than patriotic in purpose." Although Bishop Oxnham proved that the Committee's files were inaccurate and slanderous, he found himself attacked and traduced all over again. There was no reparation or even acknowledgment of wrong.

In the course of the Oxnham hearings, a Committee member informed the Bishop that the earlier secret hearing had produced testimony that two Methodist ministers—the Reverend Harry F. Ward and the Reverend Jack R. McMichael—were members of the Communist Party. Congressman Scherer, exalting the inherently incredible and internally inconsistent statements of two paid informers to the level of unchallengeable truth, asked Bishop Oxnham:

On the basis of the testimony we had in New York, sworn testimony of any number of witnesses, and on that basis how could any reasonable person come to any other conclusion than that Dr. Ward and Reverend McMichael are dangerous Communists?

Both of these ministers thus learned of these charges for the first time from newspaper headlines. Each at once informed the press that the charges were completely false. The Reverend Jack R. McMichael was thereafter subpoenaed from his church in California. He denied the charges under oath, and, indeed, challenged the Committee to give him a lie-detector test. The Committee then produced Manning Johnson, who, of course, had no more difficulty identifying Reverend McMichael than he had in the case of Dr. Bunche. The witness was denied the opportunity to cross-examine his accuser.

The Committee made no effort to conceal its determination to injure and discredit the witness, or to ornament its exposure purposes with any pretended legislative justification. Before the confrontation, the Committee showed the extraordinary lengths that it was prepared to go to ensnare McMichael:

Mr. Kunzig (Committee Counsel): Have you ever met Manning Johnson, Reverend McMichael?

Reverend McMichael: The name is unfamiliar to me. I would appreciate your producing him and let me

look at him. Perhaps I would be able to recognize him by his face. Is he here in the room?

Mr. Velde: Is Mr. Manning Johnson in the audience? Mr. Williams, would you attempt to find Mr. Johnson?

Mr. Williams (Investigator): Yes, sir.

Mr. Clardy: Would you know him if you saw him?

Reverend McMichael: I'll be glad to look at him.

Mr. Clardy: Answer my question. Would you know him if you saw him?

Reverend McMichael: How can I answer that question? I'll let the record show that question—how unfair it is.

Mr. Clardy: If you were a truthful man, you would answer that question, sir.

Here is another example of the crude police-court tactics of the Committee:

Mr. Kunzig: You testified yesterday you were never a member of the Communist Party, and you testified you are not now a member of the Communist Party. I now wish to ask you if you ever at any time attended Communist Party meetings.

Reverend McMichael: Not to my knowledge. I've been very curious and interested in all sorts of things, and I've gone to a lot of meetings of groups I didn't agree with: but never to my knowledge, attended this kind of meeting.

Mr. Kunzig: Will you deny here, under oath, you never attended a Communist Party meeting?

Reverend McMichael: Yes: I will deny, under oath, that I never, to my knowledge.

Mr. Kunzig: I thought that would be the answer, and I think the record should note, you very carefully added, 'to my knowledge'! The question is: Do you deny you ever attended a Communist Party meeting?

Reverend McMichael: The answer is: to my knowledge, I never attended such a meeting.

Mr. Kunzig: In other words, that is an evasive answer.

Reverend McMichael: You keep making charges of evasive answers. What is evasive about that? Isn't

it possible for a group to have a meeting and not know the nature of it? . . . Mr. Chairman, will you ask the counsel to be a counsel rather than a prosecuting attorney here?

The conflicting testimony of McMichael and Johnson was referred to the Justice Department for possible perjury prosecution. Understandably enough, the Department has never moved on this issue.

In the wake of these hearings, which signally failed to bolster up the Committee's theories about the clergy, J. Edgar Hoover, in response to a letter, informed Senator Harry F. Byrd that he knew of no minister who had been proved to be a Communist agent. Mr. Hoover had supplied "convincing evidence," said the Senator in a public statement, that the charges against the clergy were "baseless."

The testimony of the July 1953 secret hearing was formally released in September. Its charges of 600 Red-tainted clergymen, the attack on Dr. John Haynes Holmes and two revered dead rabbis, the spectacle of hired informers defaming ministers of the gospel and of the Committee's vicious equation of the social gospel with Communism, brought condemnation from the leaders of every faith. Pressure for curbs on the Committee came from both within and outside of Congress.

By the end of 1953, the Committee was ready to throw in the sponge. In its annual report for that year, it virtually conceded that its "Operation Rescue Matthews" had failed:

A minute number of case-hardened Communists and Communist sympathizers have actually infiltrated themselves into the ranks of the loyal clergy. . . . Only a very small number of clergymen in the United States have been fellow-travelers. . . . The members of the clergy who have associated with Communist causes is a minute percentage of the hundreds of thousands of loyal, patriotic men of the cloth.

The churches may have won the battle, but the war was by no means over. In 1955, the Air Force published a *Security Guide* which stated: "a while back Americans

were shocked to find that Communists had infiltrated our churches." The *Guide* charges that the clergy is Communist-infiltrated. "Of course no clergyman admits he is a Communist when he is one (he is required to keep his membership secret), but he still does Communist work." The *Guide* discussion of Communism and religion concludes:

Again to stop Communists, we must be careful not to attack the majority of faithful ministers and churchgoers. We must merely search out those who back Moscow right down the line.

We can do this, first, by understanding and supporting the teachings of our religions to the hilt: then by getting rid of those who try to pass off Communist ideas as substitute for what we know are true religious teachings.

The *Guide* was silent about how to tell the difference between Communist ideas and true religious teachings. To the right-wing fundamentalist groups, church-centered efforts in support of the admission of Red China to the United Nations were not "true religious teachings." With the aid of Southern money and support, those race-baiting, anti-Semitic and anti-Catholic groups intensified their smear campaign against the clergy on these issues. And HUAC continued its practice of giving official sanction to material from these groups which could then be re-circulated with greater impact.

In 1957, the Committee experimented with a more open form of support for its right-wing theological allies. It published a propaganda document. *The Ideological Fallacies of Communism*, based on consultations with three religious figures, which rebuked the churches for their lack of zeal in the fight on Communism.

In November 1958, the Fifth World Order Study Conference of the National Council of Churches questioned the United States all-out support of Chiang Kai-shek and our seemingly unalterable opposition to the admission of Red China to the United Nations. The Committee promptly answered by a publication, *Communist Persecution of Churches in Red China and Northern Korea*, which summarized private HUAC hearings. The witnesses for these hearings were supplied by a leading religious Net-

work organization, the American Council of Christian Churches. This document, like earlier Committee material, soon found its way into crackpot fundamentalist pamphlets.

But these hate-mongering groups really came into their own in an *Air Reserve Center Training Manual* of January 1960. This publication charged that "Communists and fellow-travelers and sympathizers have successfully infiltrated into our churches. . . . From a variety of authoritative sources, there appears to be overwhelming evidence of Communist antireligious activity in the United States through the infiltration of fellow travelers into churches and educational institutions." Two proofs that the churches are infiltrated are:

1. The governing body of a prominent Protestant church group have just called for "mutual understanding" with Red China and urged that the Peiping regime be recognized by the United States and admitted to the United Nations.

2. The National Council of Churches of Christ in the U.S.A. officially sponsored the Revised Standard Version of the Bible. Of the 95 persons who served in this project, 30 have been affiliated with pro-Communist fronts, projects, and publications:

These charges, which the *Manual* elaborates, were re-written from three pamphlets, two of them published by the Christian Crusade, headed by an Oklahoma evangelist, Billie James Hargis, and the third by the Circuit Riders. All of them relied heavily on Committee material.

The *Manual* brought a vigorous protest from the National Council, which demanded its withdrawal and the recall of all copies in circulation. In a letter to the Secretary of Defense, the Council made four points in support of the requested action.

- 1) Such a document is a patent contravention of the First Amendment to the Constitution.

- 2) The implication that there is a relationship between the Revised Standard Version of the Holy Bible and Communism is insidious and absurd.

- 3) To aver by innuendo that the National Council of Churches is associated with or in any way influ-

enced by the Communist Party is an example of irresponsibility at its worst.

4) The adoption as official Air Force statements of the opinions of prejudiced persons is an incredible reflection upon the judgment and sense of responsibility of all those involved.

A week later, both Defense and Air Secretaries apologized for the *Manual*. Air Secretary Sharp announced its withdrawal and an inquiry into the circumstances of its issuance. Perhaps because the *Manual*, in a discussion of another issue, had termed "foolish" the view that Americans had a right to know what was going on, the press was virtually unanimous in denouncing it. The *Washington Post* pointed out that the author of the *Manual's* attack on religion was merely parroting a line popularized by the House Committee on Un-American Activities. "The Committee had succeeded in persuading a great many who are gullible, that any organization which seeks social justice or racial equality or freedom of expression, a restraint on police authority, has been infiltrated by Communists."

Chairman Walter was not slow to claim his share of the headlines. He accused the Defense Secretary of making a "groveling apology," suggested an investigation, not of the *Manual*, but of its withdrawal, and of the National Council as well. He added: "The leadership of the National Council of Churches which fraudulently claims to speak for 38,000,000 American Protestants, has in the aggregate a record of hundreds of affiliations with Communist fronts and causes." Shortly thereafter, the National Board of the National Council passed a resolution pointing out that the material in the 1955 Air Force *Guide* on religion and Communism was equally objectionable and should be deleted as soon as possible. It asserted that: "An important issue raised by this recent incident is how long the American people are going to allow various agencies of Government to continue the practice of treating false and absurd charges lifted from confidential files as material to be seriously used as a basis for security decisions and for official indoctrination of Government employees."

Fearful of the impact of an adverse public reaction on its future, the Committee called Air Secretary Sharp into executive session. The hearing, subsequently released, was prefaced by Walter's charge that "the Communists have

duped large numbers of the clergy as well as lay leaders in the churches into supporting Communist fronts and causes which masquerade behind deceitful façades of humanitarianism." Even before the hearing commenced, Walter anticipated that its conclusions would result in "attacks by Communists, pro-Communists, dupes and misguided liberals who would use the façade of religion to mask Communist activities."

The hearings showed the extraordinary concern of the Committee that the repudiation of the *Manual* might raise doubts about the role of the Committee itself:

Mr. Arens: Mr. Secretary, when you issued your press release repudiating the publication as representing the Air Force views, and issued your apology to the National Council of Churches of Christ in the U.S.A., did you by that act mean to convey the impression that the Air Force was convinced that the National Council of Churches was not infiltrated by fellow travelers?

Secretary Sharp: No. I did not intend any concurrence with this statement, or objection to the statement as to its validity. I felt simply that this kind of statement should not be made in an Air Force publication. . . .

Mr. Arens: Did you, in your statement of repudiation, intend a repudiation of the integrity, validity or accuracy of the testimony before the Committee on Un-American Activities which is quoted in this manual?

Secretary Sharp: No sir. . . .

Mr. Arens: Chairman issued a statement to the effect that the leadership of the National Council of Churches had hundreds or at least over 100 affiliations with Communist fronts and causes. Since then we have made careful but yet incomplete checks, and it is a complete understatement.

Thus far of the leadership of the National Council of churches we have found over 100 persons in leadership capacity with either Communist front records or records of service to Communist causes. The aggregate affiliations of the leadership, instead of being in the hundreds as the Chairman first indicated, is now,

according to our latest count, into the thousands, and we have yet to complete our check.

Mr. Jackson: The effect of the action taken by the Air Force, Mr. Secretary, was to tell 180 million people in this country by the retraction of this, that the Air Force did not believe it.

Secretary Sharp: Mr. Jackson, I think it is very unfortunate if that is the impression we gave. . . .

Mr. Doyle: My mail is such that it indicates that the work of this Committee in the minds of the people out West that have read the newspaper reports—that the work of this Committee is discredited as a result of the unfortunate apology and letter by the Secretary.

The Chairman: You may call it unfortunate. I call it stupid. . . .

Secretary Sharp: We certainly did not intend any aspersions on this Committee. . . .

The Chairman: This does not charge the National Council of Churches as being a proscribed organization at all. It merely states that the 95 persons who served on the project (for a revised version of the Bible) which they sponsored have been affiliated with pro-Communist fronts. I think that is a great example to show a youngster. . . .

Mr. Moulder: Is it your plan to revise the manuals? . . . In the process of doing that, will you confer with the Committee on Un-American Activities and the Internal Security Committee and the Attorney General's office and the FBI for any information which you may wish to use in the manual?

Secretary Sharp: Yes, sir. I would hope we could, to be sure it is authentic. . . .

The Chairman: I am looking now at an article that appeared in the paper this morning concerning a resolution purportedly adopted by the General Board of the National Council of Churches in Oklahoma City. The resolution stated that the Air Force had violated the guarantee of "the free exercise of religion" contained in the First Amendment.

This is the sort of thing this "fine" organization is capable of. There is nothing in this manual, is there, that indicates an interference with the free exercise of religion?

Mr. Scherer: They don't want freedom of religion.

They want freedom of criticism. . . .

Mr. Jackson: Is any mention at all going to be made in the new manual with respect to the efforts of the Communist Party to infiltrate into church institutions?

Secretary Sharp: I would hope so, yes, sir. . . .

Mr. Doyle: I would suggest that the new manual would direct the attention of the Air Force personnel further than to churches and schools.

Mr. Jackson: I did not mean to limit it.

Mr. Doyle: Directed to all and any organization, such as labor unions, or others. Do not limit it to churches and schools. That is my suggestion. . . .

Mr. Jackson: Is any action contemplated, disciplinary or in reprisal, against Mr. Hyde who was responsible, as I understand, for writing this material?

Secretary Sharp: This matter has not been finally decided yet. I think that people who do not follow their instructions—and it might appear that Mr. Hyde had not—should be certainly reprimanded, if that is the case. . . .

The Chairman: Let me tell you something. If you so much as say "Naughty Boy," to this group of people who are far more expert than you are, it will blow that up out of all proportion. They will have him shot at sunrise, figuratively speaking, for telling the truth.

Mr. Jackson: Furthermore, some sort of hell will break loose on the floor of the House of Representatives. . . .

Chairman Walter went out of his way to show his gratitude to the author of the Air Force Manual, Homer H. Hyde. He asked Billie James Hargis of the Christian Crusade to give him a job on his staff at the same salary if the Air Force fired him. The extent of Walter's links to Hargis are not fully known, but it is certain that his ties with Hargis antedate the Air Force *Manual* episode. Thus, he has inserted in the record publications from the Christian Crusade on the subject of the Red menace. Hargis is a type of cryptofascist radio evangelist who flourishes in the West and South. He is a fervent supporter of hate merchant Joseph P. Kamp, who has charged that "notorious un-American elements support General Eisenhower."

In response to the protests which poured into the Committee as a result of its attack on the National Council of Churches in its support of the *Manual*, HUAC called up its big guns. Fulton Lewis, Jr., with materials from the Committee files maintained a barrage of denunciation of liberal Christianity. The fundamentalist groups initiated a campaign to follow up the Committee's assault. Leading the fundamentalist attack was Carl McIntire, a vendor of hate and president of the International Council of Christian Churches and the American Council of Christian Churches. McIntire is a deposed Presbyterian minister who is not only anti-Protestant, but virulently anti-Catholic and is closely allied with hate sects throughout the country. His organizations oppose racial integration, the United Nations, the Revised Standard Version of the Bible and modernism in religion. Among the familiar Network personalities who have been attracted to his movement have been Gerald K. Smith, Gerald Winrod, Merwin K. Hart and Billie James Hargis.

Also joining in the campaign to discredit the National Council were the Circuit Riders. In 1960, it was disclosed that their leader, M. G. Lowman, had received secret subsidies from the Georgia Legislature for segregationist activities.

The Committee member who assumed responsibility for leading the attack on the National Council of Churches was Californian Donald Jackson, who had specialized in clergy-baiting for the Committee. Jackson had worked closely with the McIntire and Lowman groups in the course of the 1953 attack on the clergy. The fundamentalist and hate groups had briefed Jackson for the 1953 Oxnam hearing. The Bishop's friends had to wait in long lines for admission to the hearing room, but Jackson's guests were assigned special seats. A Committee counsel suggested that as a courtesy to the Bishop and his wife, they be admitted to the hearing by a private entrance, but they were turned back because Jackson was holding court for his hate clique. As Bishop Oxnam himself put it, "They were apparently in for the kill."

It was Jackson who, in a speech in 1953, made what was considered to be the most violent attack on a clergyman ever made on the floor of the House. He charged: "Bishop Bromley [sic] has been to the Communist front what Man o' War was to thoroughbred horse racing, and

no one except the good bishop pays much attention to his fulminations these days. Having served God on Sunday and the Communist front for the balance of the week, over such a long period of time, it is no great wonder that the bishop sees an investigating committee in every vestry." Jackson added:

If reprinting Bishop Oxnam's record of aid and comfort to the Communist front would serve any useful purpose, I would ask permission to insert it here, but suffice it to say that the record is available to any member who cares to request it from the Committee [on Un-American Activities].

In 1954, Jackson headed a House subcommittee which subpoenaed Professor John A. Hutchinson, a professor of religion at Williams College and a minister of the Presbyterian Church. Jackson had informed the minister that Mr. Hutchinson and another clergyman had "reported at Communist Party headquarters" before going on to their pastorates in Baltimore during the thirties. Dr. Hutchinson categorically denied the accusation that he had reported to the Communist Party at any time. The Congressman shifted his ground and charged that, as a young pastor in Baltimore, Hutchinson had joined organizations that had since been branded as Communist fronts. It developed that Dr. Hutchinson had joined the American League Against War and Fascism in 1935, and had dropped his membership in 1939. Jackson saw nothing strange in hauling a respected minister and professor of religion before HUAC to answer 19-year-old charges which were in part completely false, and in part false by implication.

On March 3, 1960, Jackson made his farewell attack on the clergy—he left Congress in that year. In his speech entitled "Uncertain Trumpets," Jackson pulled all the stops of antisubversive demagoguery. The speech charged that one of the ministers in the 1953 hearings had been identified as a Communist by "three witnesses," but suppressed both the fact that these were paid informers and perjurers, and that the minister had denied the charges under oath.

Jackson also tried to smear a church-supported desegregation meeting which had been held in Washington in January 1960. The meeting was a mock hearing conducted

by a volunteer civil-rights commission of private individuals to dramatize the disenfranchisement of Negroes in the South. The general chairman of the hearing was Bishop Edgar A. Love, Baltimore Area Methodist Church, a vice-president of the Southern Conference Educational Fund. In addition to Bishop Love, there were three other bishops on the platform, including Bishop Oxnam. The sponsors of the meeting were 16 Negro and white religious and civic organizations, including the Mississippi Regional Council of Negro Leadership, the United Christian Movement of Louisiana, the Alabama Christian Movement of Human Rights, the Baptist Ministers Conference of Washington and vicinity, and the Methodist Ministers Union of Washington and vicinity.

Jackson's rebuke of the clergy for participating in the meeting rested on the charge that the Southern Conference Educational Fund, one of the participating organizations, had been "cited" by Senator Eastland's Internal Security Subcommittee. He did not claim that anything that was said at the meeting was un-American or subversive.

The Fund was cited as a result of a hearing held by Senator Eastland as a one-man subcommittee in New Orleans in the spring of 1954. The hearing was about the most sordid ever conducted by a legislative investigating committee. It starred two perjurious informers; all of the subpoenaed officials of the Fund denied Communist Party membership. At its conclusion, Arens, then Staff Director of the Internal Security Committee, asked newspaper reporters if the subcommittee had not proved its case. They bluntly told him no.

As a result of the hearing, Senator Eastland cited the Southern Conference Educational Fund as a subversive organization. The theory of the citation was that the Fund was a "successor" to the Southern Conference for Human Welfare, which had been cited by the House Committee in 1947. But that citation was equally fraudulent. Professor Walter Gellhorn, of the Columbia Law School, in a painstaking analysis of the Committee's citation, which, incidentally, was issued after repeated requests by the Southern Conference to grant it a hearing had been ignored, concluded:

. . . From semi-truths the Committee has drawn

conclusions which would be strained even if the factual assertions of the report were beyond challenge. The report demonstrates, not that the Southern Conference is a corrupt organization, but that the Committee has been either intolerably incompetent or designedly intent upon publicizing misinformation.

Jackson further abused the clergy because Carl Braden, the field secretary of the Fund, spoke at the meeting. The Committee's vindictiveness against Braden has already been discussed. Jackson charged him with being a Communist agent. He failed to tell Congress that Braden, a defendant in the famed Louisville sedition case, had denied under oath that he was a Communist in the course of the Louisville trial. The prosecution did not, in presenting its case against Braden, produce evidence that he was a Communist. When Braden denied membership in the Communist Party under oath, the prosecution, in rebuttal, introduced the testimony of an FBI agent, one Alberta Ahearn, that Braden had attended a meeting of a Communist cell with her. Braden again took the stand to deny the charge. His denials should have impressed even Congressman Jackson, in view of the fact that Braden's accuser had a criminal record.

In the course of his smear attack, he charged that the National Council of Churches had circulated obscene books written by Communist sympathizers. When Representative Edith Green of Oregon demanded that Jackson name one book on any list of books circulated by the National Council that had been found obscene, Jackson was unable to do so.

The irresponsibility of Jackson's attack on respected church leaders for participating in this meeting is well described by an observation of Professor Zechariah Chafee, Jr., about another legislative body which at a period of political tension "repudiated government by representation and substituted government by misrepresentation." The reasons for Jackson's extraordinary performance became clearer a short time after he made a speech in Congress. He was one of 24 Republicans who voted in the House of Representatives with the Dixiecrats against the Civil Rights Bill.

The assault on the National Council by Jackson and other Committee members gave Americans a full measure of HUAC's slop-bucket tactics. In its ruthless eagerness to make a case against the National Council and to provide ammunition for its extremist following, the Committee outraged fair-minded Americans. Some of the farfetched inferences upon which the clergy's subversion was constructed were aptly characterized by the *Washington Post* as "guilt by extrapolation."

The use of this technique to befoul the Revised Standard Version of the Bible was well described by the *Washington Post* as follows:

Dr. Henry J. Cadbury, professor of divinity at Harvard University, was one of the 95 clergymen who joined in the preparation of the Revised Standard Version. Like many another Quaker pacifist, Dr. Cadbury belonged to the Fellowship of Reconciliation. But among the members of the Fellowship of Reconciliation were some individuals who at one time or another were denounced as Communists or fellow travelers before the House Committee on Un-American Activities by one or another of that stable of former Communist professional witnesses whom the Committee kept constantly on hand to assassinate the reputations of their betters.

From this set of facts, the authors and defenders of the Air Force manual have no trouble at all in deducing that Dr. Cadbury himself has been affiliated with a "pro-Communist front" and that, therefore, anything else with which Dr. Cadbury may have become associated—as, for example, the Revised Standard Version, must be Communist-tainted.

HUAC's 1960 attack on the National Council and its defense of the Air Force *Manual* has precipitated a bitter struggle in American religious life. The Committee's leadership has given religious hate groups an enormous impetus. Fortified by subsidies from Southern businessmen, they have formed new alliances in the South with the White Citizens Councils movement, and in the mid-West and West with the John Birch Society, for a showdown battle with the National Council.

The undercover anti-Catholic campaign against Presi-

dent Kennedy was spearheaded by this reinvigorated religious hate movement. It has also instigated vicious letter-writing campaigns attacking the National Council. It now has a new cause—the showing of the film “Operation Abolition.” Its followers have tried to force the showing of the film in the churches whose denominations are members of the National Council. But the National Council has stood firm and has resisted pressure to become a propaganda instrument for HUAC, whose values and objectives are basically at war with those of liberal Christianity.

14 BIG BROTHER IS WATCHING YOU

Everybody knows about HUAC's hearings. But hearings are only part of HUAC's far-flung operations. In addition to its propaganda activities, HUAC conducts a vast indexing, surveillance, dossier-building and reporting service which feeds and supplements its exposure hearings, but it also functionally quite independent of it.

When a hearing is completed, *all* the names mentioned in the hearings—the witnesses as well as those indented or casually mentioned—are placed on index cards. When enough names are accumulated, the Committee prints them all in a “cumulative index.” HUAC has already published *Cumulative Index of the Committee on Un-American Activities 1938-1945*, and a *Supplement to Cumulative Index to Publications of the Committee on Un-American Activities, 1955-1956*. These telephone-book size compilations are not subject-matter breakdowns, as their titles deceptively indicate. They are lists of names of about 45,000 individuals and several thousand organizations “mentioned” in Committee hearings or reports. They are the reference works used by personnel directors, Hollywood producers, landlords, clearance agencies, Network organizations, boards of education, radio and newspaper columnists.

These blacklisters' desk books are supplemented by the famous Appendix IX, of which only one thousand copies

were printed in 1944, and withdrawn by the Committee. (It was attached to the Dies Committee's last report on the National Citizens Political Action Committee.) Its seven volumes contain a cross-section of HUAC's files and were published (at a cost of \$20,000) to make the files public when it was thought the Dies Committee would be ended. When the Committee was made permanent, publication was suppressed. But there are many sets in existence. In 1954, a private organization reproduced it to meet the demands of Network organizations. Appendix IX is said to list the names of more than 250,000 individuals who are alleged to have joined "front" organizations as far back as the thirties. Several thousand organizations are also listed. One of the Committee's current projects is to bring this priceless piece of incunabula up to date. A prior Committee chairman has promised that, "This document when completed will be a bible of subversive activities in the United States."

Appendix IX is a product of what the Committee calls the "file and reference service." This is a euphemism for a vast collection of dossiers elaborately indexed and cross-referenced. These dossiers—in 1949, the Committee had compiled one million of them—are no different from the files on "subjects" maintained by police agencies; they contain politically "derogatory information" about suspects gleaned from sources such as HUAC's investigative files, the publications of other anti-subversive committees, Federal and state, the records of the Federal Bureau of Investigation, press reports and letterheads of organizations.

The Committee understates when it says that its files "should not be thought of as files in the ordinary sense."* They are a "constantly growing" accumulation of information, a vast political rogues' gallery of individuals and organizations. In 1948 there were 300,000 card references to activities and affiliations of individuals. There were separate files maintained on the activities of 3,040 persons, "top leaders" and "prominent fellow travelers" of the Communist Party. The files list signers of Communist Party nominating petitions in 20 states for various years—

* All of the quotations are from the HUAC's annual reports.

363,110 names. "Since subversive forces try to infiltrate other organizations . . . the Committee has acquired a vast store of information concerning thousands of organizations in the United States." So huge is the number that the Committee tells us only that there are 380 organizations filed under the letter "A."

In 1949, we learn that there were a total of 1,000,000 individual card entries. That year the Committee's dossiers and cards required 300 file cabinets. A major project of that year was indexing and printing its vast collection of Communist Party nominating petitions. New material was added to the collection of information about subversive organizations as a result of "constant research by staff members to ascertain the aims and purposes of new organizations and a constant check of old organizations which appear in new guises."

In 1951, HUAC added 60,000 index-card references to its sources, and consolidated its master index preparatory to publishing a cumulative index. In 1952, the Committee added thousands of new items to "an already voluminous collection," and noted that "the number of clippings cannot even be estimated." No file is ever obsolete or out of date. HUAC does not believe that a "subject" can outgrow his dossier: "Such material does not become obsolete and available for discard or storage but tends to become more valuable as it increases in age and volume." By 1955, the Committee's collection had grown so extensive that it was forced to reproduce part of it on microfilm.

In recent years, the Committee, aware of the frightening implications of this forest of dossiers, has become rather reserved about the scope of its files, except to assure us that they continue to expand.

The dossiers are not assembled and filed as a collector's hobby or because HUAC has a passion for order. This dossier-building function is a highly important aspect of the Committee's work. It gives the Committee an operational continuity, enables it to maintain an unbroken relationship with its supporters and, by servicing other security agencies, to entrench itself as a permanent part of our security bureaucracy.

The files and dossiers feed into what HUAC calls a

"reference service," which makes the material available when it will do the most good. They are used by Government security and intelligence agencies—primarily to check on the background and loyalty of individuals. This is a familiar kind of sharing of confidential data by police agencies.

But HUAC's "reference service" uses another channel to make these files public. A special "reference" activity consists of furnishing reports on individuals and organizations to Congressmen. HUAC thus brilliantly exploits the imperatives of practical politics; it gives Congressmen a free service—"inside dope" on the politics of Americans—as the bribe for Congressional acquiescence in a wholly illegal activity. We can best understand the Committee's relationship to Congress if we see this aspect of HUAC as a captive Congressional FBI, a glorified, self-appointed House detective. A legislative body has no power to act as security police—a "public eye," one might call it. But HUAC is untroubled by the illegality of its role as a Congressional "Red squad." It understands a cardinal rule of American public life: never fire the policeman.

While this reporting service is normally rendered on request, the Committee does not always wait until it is asked for information. If it learns that a delegation of constituents is planning to visit a Congressman, the Committee will supply him in advance with dossiers on its members. Congressmen have reason to be grateful. The material is not turned over to them as a raw, unedited reproduction of file sources. It is far superior to a conventional detective's report. As HUAC explains it, "This reference source goes far beyond the ordinary type which simply points out the best sources of information to the person making inquiry. Whenever references to the subject under consideration are found in public source material, a written report of that information is furnished, setting forth, point by point, what appears and where it appears, together with any pertinent citations by this Committee or the Attorney General on every organization involved."

The demand for these reports is heavy. From 1949 to 1959 reports were submitted on more than 60,000 individuals and 13,000 organizations. In 1960 alone, HUAC received 2,200 requests from Congressmen to check 4,566 individuals and 1,900 organizations and periodicals. Ref-

erances were supplied to materials on 1,389 individuals. A total number of 1,945 reports were compiled. To increase its efficiency, HUAC mimeographs reports on "recurring subjects." In other cases the available material is so great that "more than a day is often required to prepare a single report." A report is sometimes "as long as 12 or 15 pages on a single subject."

HUAC members use the reports to attack HUAC's critics. A speech by Congressman Scherer, in defense of HUAC, is usually a solid mass of such reports. Chairman Walter relies on them heavily in his feuds. Other Congressmen make intensive use of them as well. In 1956, and again in 1958, a large number of these reports were turned over to Southern Congressmen, who used them to charge that the NAACP was Communist-dominated and that the school integration movement was a Red plot.

Most important, the reports are used by private individuals who obtain them either by writing to their Congressman* or directly from HUAC. These enable HUAC to condemn the politics of vast numbers of Americans whom it would be inexpedient to subpoena for hearings or to attack more directly.† The reporting service is simply a "do-it-yourself" exposure system which dispenses with the formality of a hearing by furnishing Network members, "Americanism" buffs, blacklisters, security specialists, and clearance fixers, with material to pillory and discredit their fellow Americans. Its uses for blackmail and slander are particularly easy because the reports are submitted on the letterhead of the Committee. Individuals can obtain such a report and then announce, "Our Government in Washington knows all about you and has kept track of you in a special subversive file." The fact that the report is obtained by a Congressman gives it added official prestige. It is a sort of political "wanted" circular lacking only a photograph. One report of the Committee about Bishop Oxnam began, "G. Bromley Oxnam. This

*One Congressman, in commenting on the volume of the requests for reports from constituents and HUAC's efficiency in meeting them, commented. "This beats free seeds all hollow."

† HUAC denies that reports can be obtained directly. But the evidence is to the contrary; it has stated that it supplies reports to "private individuals" who have a "sincere and genuine need for the information of the type which is available here."

individual is a Methodist minister and is sometimes referred to as a Collectivist Bishop."

Armed with these dossiers, the Network conducts an unceasing ideological warfare against every local liberal movement, from support of UNESCO to interdenominational brotherhood. Thus, when Dr. Rufus E. Clement, president of Atlanta University and a respected Negro educator, was invited to speak in a white Houston church on race relations, he was attacked by the Network's Minute Women with a HUAC dossier charging affiliation with seven "Communist-front" organizations. He had never heard of four of them.

The Minute Women of Houston also charged the physicist Dr. Arthur H. Compton with subversion on the basis of a HUAC file of alleged subversive affiliations. The American Friends Service Committee received the same treatment when they held an institute on international relations in Houston. The Minute Women also used HUAC files to force the cancellation of speaking appearances of two New York educators—the late Dr. Eduard C. Lindeman, of the Columbia University School of Social Work, and Dr. Ethel Apenfels of New York University.

Here is an example, drawn from a court record, of the use of a HUAC report by a personnel manager of a large plant who needed a weapon to defeat a union's election campaign:

Q. Do you know the defendant John T. Gojack?

A. Yes.

Q. Have you ever participated in negotiations with him?

A. Yes.

Q. He is an official, an officer of the District 9 of the United Electrical Workers, isn't that right?

A. That is right.

Q. Did you ever have occasion to circulate in the plant material obtained from the files of the House Un-American Activities Committee, deal with Mr. Gojack?

A. Such information was circulated to department heads and factory supervision.

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Q. I show you a document that has been marked by defendant's Exhibit No. 5-A and ask you what that is.

A. This is a copy of a circular sent from my office to all of the department heads and foremen.

Q. What is the circular to which it is attached?

A. The circular to which it is attached is a report, a copy of a report from the files of the Committee on Un-American Activities.

Q. Mr. McClaren, how did you obtain that copy?

A. Through the Congressman from our district.

Q. What is his name?

A. Ross Adair.

Q. Did you ask Congressman Adair to get this for you?

A. My assistant, on my instructions, asked Congressman Adair to get it.

Q. And you had the information which you received duplicated; is that correct?

A. That is correct.

Q. Verbatim?

A. That is right.

What warrants developing a dossier on a "subject"? How does the Committee decide that a particular piece of information should be filed about him? The most articulate Committee thinker on this point is Congressman Jackson. He has said, "The Committee, in its work, accumulates all pertinent information relative to any given individual whose name is listed in the files, that is the only way by which one can determine the philosophical bent of any given individual." The Congressman gives us an unusually revealing explanation of the political criteria which guide the Committee's investigators in opening and building a file:

A file is based upon the frequent and common occurrence of an individual's name in Communist fronts, his listing as a sponsor, director, editor, or contributor to Communist front or Communist publications, or the editorial comments of the activities of any given individual; consistent and favorable mention in Communist Party or Communist front publications; his personal actions which are intended to be divisive of the American people; the personal

advocacy of the socialist state is certainly contributory to any file; a consistent advocacy of any part or all of the Soviet system; his opposition to any form of investigation of the Communist conspiracy or those who comprise it; his opposition to deportation of Communist Party members or alien Communist front members; his opposition to legislation designed to curb Communism; his opposition to the affirmation of loyalty (loyalty oaths); and his opposition to any form of military training. All of these factors are considered by the Committee. In addition, the use of such phrases as 'red baiting' and 'witch hunt' to describe the activities of the duly constituted committees of the United States Congress is indicative of the Communist Party line. One who consistently deplores the suggestion of guilt by association, but who attempts to prove his own innocence by association is in a manner suspect.

As is readily apparent, this is a net so broad as to envelop millions of patriotic and devoted people because of their association with loyal, praiseworthy organizations and causes.

The files reflect in sharp outline the premise—which the hearings sometimes blur—that liberalism is subversion. Every possible form of distortion is employed to make the subject of a dossier as subversive as possible.

The file material uses guilt by association, not occasionally, but systematically, and as a guiding principle. In fact, as Congressman Jackson pointed out, an individual "who attempts to prove his own innocence by association is in a manner suspect."

Another method which the files employ to blacken the reputation of the subject is the slanted selection of sources. If the subject has written a book or made a speech affirmatively establishing his patriotism—even by the Committee's standards—such documents do not appear in the file, for this is a file confined only to evidence of subversion. Similarly, if the subject made a speech reported in two different newspapers, one of which quotes the speaker's remarks out of context and hence makes him sound more radical, while the other, reporting more fully, is unobjectionable, the investigator will invariably clip and file the more damaging. And if one of the newspapers is

the *Daily Worker*, or any other Communist newspaper, then that clipping is used no matter how garbled the text.

The files lean heavily on the doctrine of original political sin and retroactively condemn membership in organizations long prior to the time they were cited or officially denounced as subversive. The Committee has recently been empowered to tap a fresh source for material for its secret dossiers: here is what the *Washington Post* for April 30, 1961, has to say under a head "Snooping Unlimited":

Were you under the impression that the income tax return you filed a few days ago was confidential and to be scrutinized only by the Internal Revenue Service? If so, you were mistaken. Executive Order 10935, reported in the *Federal Register* for April 25, provides that "any income, excess-profits, estate, or gift tax return for the years 1945 to 1961, inclusive, shall during the eighty-seventh Congress, be open to inspection by the Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof. . . ."

. . . we wonder what the Un-American Activities Committee wants with such information. Three congressional committees—Senate Finance, House Ways and Means and the Joint Congressional Committee on Internal Revenue Taxation—are entitled to inspect tax returns under the law, as one can readily understand; they are concerned with general problems of taxation.

But the HUAC has quite different interests. Perhaps it wants to know whether someone . . . has been receiving Moscow gold. . . . Perhaps the Committee wants to know whether someone made a contribution to the Institute of Pacific Relations or some other organization of which Committee members may disapprove. It is easy enough to think of mischievous purposes which the HUAC could pursue by riffling through tax returns but not so easy to think of useful purposes. . . .

Not only are HUAC's standards of classification dishonest, but its over-all motivation toward the subject is suspicious and hostile. The file makes a "case" against the subject, and its impressiveness is measured by its size.

If the subject belongs to an organization which has been cited more than once—for example, by two different committees—both citations are listed. This makes the individual super-subversive.

Every charge, no matter how irresponsible, is listed. Moreover, once a subversive entry appears in a subject's file, there is nothing one can do to alter or cancel it. When Bishop Oxnam requested at a HUAC hearing that his file reflect his denials, a motion to that effect was defeated on the ground that those interested in the matter could refer to his testimony.

If Congress attempted to pass a law authorizing the Committee to develop secret dossiers on subjects deemed to be subversive merely for internal use of Government agencies in checking on the loyalty of Government employees or defense workers covered by an Executive Order, it could hardly be doubted that such a measure would be invalid. Congress has no law-enforcement powers. Yet the Committee's file and reference service attempts to dossier *all* our people. And these dossiers are intended to be made available to the malicious and the spiteful, to the blacklister and patrioteer, to purge, slander and destroy.

Error is built into the method of constructing a dossier. When the *Washington Post* secured a copy of HUAC's file on Bishop Oxnam, they asked for his comments. There were 305 typewritten lines in the HUAC report. Bishop Oxnam analyzed them as follows:

Two are introductions;

Sixteen are a summary of the organizations mentioned in the report;

One hundred twenty-eight concern organizations never listed as subversive, or quotations from journals that are not related to subversive organizations or activities;

Seventy-two are from an obscure newspaper in Princeton, Ill., the utter falsity of which might have been disclosed in half an hour's conversation had a committee investigator bothered to walk the 300 yards from the capitol to my office;

Sixty-four are devoted to organizations to which I never belonged;

Twenty-three refer to organizations listed as Com-

munist fronts to which I once belonged but from which I had resigned prior to the publication of the Attorney General's list of subversive organizations and concerning which I have made full explanation above [in the same issue of the *Washington Post*].

When Mrs. Agnes Meyer, educator and wife of the owner of the *Washington Post* dared criticize anti-education witch hunts by Congressional committees in 1953, Velde, acting on his own but in the name of his Committee, formally accused Mrs. Meyer of writing a pro-Russian article for a Russian paper. Investigation showed the article had been written by a Mrs. G. S. Mayer of British Columbia. But it took threats of a libel suit to bring a retraction from Velde, and he said: "It's a lot better to wrongly accuse one person of being a Communist than to allow so many to get away with such Communist acts as those that have brought us to the brink of World War III."

To the charge that these home exposure kits are honeycombed with errors, the Committee answers by pointing to the fact that each report recites, on the Committee's official letterhead, this disclaimer: "This report should not be construed as representing the results of an investigation by, or findings of, this Committee. It should be noted that the individual and/or organization referred to above are not necessarily Communist, Communist sympathizers, or fellow travelers, unless otherwise indicated."

In other words, this legislative fact-finding Committee deliberately circulates at public expense material attacking private citizens which it knows may be inaccurate and may give rise to false and slanderous inferences. Moreover, when Network organizations use these HUAC reports to circularize a community, they frequently omit even this disclaimer.

It must be emphasized that the files of which we have been speaking are the raw material of an auxiliary exposure system which is almost entirely privately operated. The Committee's investigative files which are used in its own exposure hearings are the product of other forms of investigation and surveillance.

In order to develop an exposure hearing the Committee

needs names as prime raw material. To obtain these names it must find a friendly witness. Such witnesses sometimes voluntarily make themselves available to the Committee; others are brought to the Committee as part of a clearance arrangement. But the most important single source of friendly witnesses and of possible unfriendly witnesses is the FBI. The FBI plays an enormously significant role in HUAC's operations.

From the chairmanship of Martin Dies to the present, common interests have brought the FBI and the Committee together. The FBI has always had liaison representatives posted in the Committee's offices and using its files. Of the eight investigators now on the Committee's staff, at least four are ex-FBI agents.

The closeness of the relationship between the two agencies has burgeoned with the years. The Committee under Dies played a distinctly minor role in the "security" area. It concentrated on demolishing the organizational structure erected during the united front period of the early thirties. Its attacks on the Communist Party were primarily focused on the functionaries of the Party, a field in which its investigative needs were minimal and were amply served by city police Red squads.

In the late forties, the relationship flowered when the Committee began its spy-hunting, with which it was preoccupied until the early fifties. The FBI, frustrated by the failure of the Elizabeth Bentley disclosures to yield indictments for espionage, turned to the Committee for vindication and publicity. In 1948, Chairman Thomas, in the course of testimony by Miss Bentley, fresh from unproductive grand jury proceedings, said, "... The closest relationship exists between this committee and the FBI. ... I think there is a very good understanding between us. It is something, however, that we cannot talk too much about."

As the Committee began to see itself as a security agency, it independently undertook to build cases against suspects, sometimes in competition with grand juries then sitting, and examined evidence gathered by the FBI. An outstanding example is the Remington case which, the Committee claims, was "broken" as a result of its investigative efforts. Often the Committee was called by the FBI to punish suspects whom the grand juries refused to indict.

In 1953, Senator Mundt, a graduate of the Committee,

said of Committee espionage probes, according to a press account, that they are "a valuable supplement to the investigative work of the FBI. The Committee may compile such evidence on Communist infiltration, but not enough to justify indictments. Often in such case," said the Senator, "the FBI will tip off a Congressional committee as to a situation where it is convinced American security is endangered.

"The Committee's inquiry then makes it possible to bring the case into the open and, with the suspected Communist spy usually taking refuge in the Fifth Amendment's protection against incriminating himself, it is possible to eliminate that particular threat."

By 1953, the prospect for a smooth relationship seemed especially promising, for when the Republican Congress took over in that year, Harold Velde, a former FBI agent, became Chairman. He announced that he expected "a new era of good feeling between the Un-American Activities Committee and the FBI. . . . There are lots of files that we could make good use of, and I am satisfied the Eisenhower Administration will let us make use of them."

Velde's hopes were richly realized. The trickle of undercover agents who had previously found their way to the Committee as friendly witnesses swelled considerably.

In 1955, Walter became Chairman, and in May 1956, Arens, who has intimate connections with the FBI, was designated Staff Director. A statement by the Chairman made clear that the appointment would inaugurate an even closer collaboration between the Committee and the FBI. Arens, he said, would "coordinate more effectively the legislative and investigative work of the Committee."

This "coordination" was necessary to remove a serious threat to the Committee's exposure operation. By 1957 there were few friendly witnesses—either former FBI agents or bona fide ex-Communists—remaining. The Committee had exhausted the supply of agents who had appeared as witnesses in Smith Act trials and proceedings before the Subversive Activities Control Board. The mine of defectors was pretty well worked out too.

The FBI was in a perfect position to come to the Committee's rescue, for it had a surplus of the very commodity so badly needed by the Committee. By 1957, both the Smith Act prosecutions and the SACB proceedings under the Internal Security Act of 1950 were reaching an end.

Rulings of the Supreme Court limiting the applicability of the Smith Act and requiring the submission to defendants of informers' prior FBI reports made criminal prosecutions hardly worth the candle.

As a result, a large number of undercover informers, who had been held in reserve for antiradical litigation, had become surplus. These informers, some of them fresh from the shrunken councils of the Party, with increasing frequency make their testimonial debuts as Committee witnesses.

Many Americans have hoped that the corps of planted, paid informers who swarm over our land would be retired with the tapering off of sedition prosecutions. They are doomed to disappointment: even if there is no one to prosecute under the law, the Committee needs them to keep us under surveillance and to find exposure victims.

But the relationship between the Committee and the FBI involves more than an undertaking by one party to supply witnesses in exchange for a promise by the other to glorify them. These agencies have become open collaborators in an integrated security system.

It is an old story that liberty is endangered by legislation creating political offenses, not only because such offenses are direct limitations on free expression, but also because the process of investigation gives enormously suppressive powers to the investigator. As Federal political offenses multiply, the justifications for interrogating individuals about their politics also increase. More importantly, the target of the investigation shifts from the seditious utterance to the nonconformist opinion, from incitement to force and violence to all forms of liberal opinion and expression.

But a police agency in a democracy is an inefficient weapon for attacking liberal or radical opinions and affiliations which violate no law. It is true that the mere interrogation by an agent of a "suspect" interferes with free expression and creates an atmosphere of fear. But as sedition prosecutions come to an end, the jurisdictional pretext of the FBI for use of such tactics against private citizens—Government employees are another story—is rendered increasingly implausible. The role of the investigative agency as a repressive thought police becomes more naked, challenges to its authority more pervasive, and its ability to

obtain "cooperation" from ordinary citizens more fragile. It must be remembered that the FBI under our system lacks the power, common in totalitarian countries, to coerce the cooperation of those who withhold it because of a conviction that it is acting beyond the scope of its authority.

The FBI can intimidate by interviewing a subject in his place of employment, making known to his employer his refusal to cooperate, and sometimes bringing about the permanent blacklisting of an individual. It can threaten to have the subject called before a grand jury. But grand juries sit only to investigate the commission of crime; and even if a grand jury is sitting the witness is protected against exposure sanctions by the secrecy of its proceedings. The subject also knows that the grand jury cannot make a "presentment"—an attack which does not charge a crime—against him, for this is forbidden in our Federal court system.

These controls are imperative if the watchmen of our ramparts are not to be transformed into the guardians of our thoughts and opinions. When the FBI was organized, Attorney General (later Chief Justice) Stone was acutely aware of the dangers of such a body encroaching on our basic liberties and sharply limited the FBI to the investigation of crime—or prohibited acts—and barred it from the realm of mere expression. This was wholesome—a necessary limitation. It permits proper scope to true law enforcement without impairing our democratic freedoms.

The weapon which the FBI is tempted to use against the uncooperative subject is to turn him over to the Committee. Fear of exposure may make him cooperate, and exposure will punish him if he refuses. Thus a recurrent pattern in this area is the FBI interview with an uncooperative witness, followed in its wake by a Committee subpoena. HUAC not only subpoenas those who refuse to cooperate with the FBI, but it "clears" those who do cooperate. When a friendly witness designates an individual as a Communist who has cooperated with the FBI, Arens announces (New England, 1959) that "it is our information from authentic sources that he has disassociated from the Communist Party and has cooperated with the appropriate Government agencies."

It is primarily, then, the restoration of a national equilibrium of freedom and tolerance which is cementing the FBI and the Committee into a new security bureaucracy. Our

democratic traditions have been too strong to sanction an avowedly antisubversive domestic governmental agency with all the familiar trappings; secret political thought police with power of coercion, dossiers, surveillance of dissenters, and a propaganda apparatus to manipulate public opinion, etc. Many of these functions, however, were performed by the FBI and the Congressional antisubversive committees in indirect and illegal ways. And this usurpation of power engineered a reluctant acquiescence by posing as its alternative the overthrow of the Republic. Illegal and unconstitutional government grew fat on a rich diet of "security." Like an army which dreads the impact of peace on its size, budget and prestige, so this monolithic security agency fears the revival of our democratic values. To prevent it, the propaganda mechanisms which pump fear into the political bloodstream must be rebuilt. Repression of liberal and radical thought must continue without the aid of political prosecutions and antisubversive administrative proceedings.

Thus, the Committee makes common cause with the FBI. It has made criticism of the FBI and of repressive security legislation a hallmark of subversion. By identifying itself with the FBI, it has used the FBI's prestige to ward off attacks, and in turn has obtained the enthusiastic endorsement of the FBI. Indeed, many are convinced that the extraordinary ability of the Committee to silence Congressional criticism springs from the fear that the Committee may use the FBI in reprisal. As one Washington editor has put it, "The FBI will never permit Congress to curb the Committee."

The Committee has become increasingly bold in developing in its hearings tips and leads from the files of the FBI. On occasion it abandons all pretense and uses its hearing sessions to air material which the FBI wants publicized. An example of this aspect of the Committee's collaboration with the FBI is the six-day hearing (300 printed pages worth) which was held in Los Angeles in 1958 and 1959 on "The Southern California District of the Communist Party—Structure—Objectives—Leadership."

The purpose of this hearing was to put on the record material which had come to the Committee from intelligence sources (presumably the FBI) about the Party and its activities in Southern California. Chairman Walter an-

nounced: "Information has come to this Committee of renewed Communist Party activities in this, a highly sensitive and important area of the country. The degree and extent of this renewed activity is deemed by the Committee to be of such importance to the national welfare and the defense of the country as to justify this investigation in order that remedial legislation may be recommended in this field designed to meet new threats of public subversion."

The hearings—the term is hardly appropriate to describe what went on—consisted of the interrogation of some 65 individuals, alleged to be present or former Communist Party members or officials. Every one of these witnesses used the protections of the Constitution to resist questioning by the Committee. This hardly seemed to trouble Chairman Walter and his colleagues, for the Committee had not come to Los Angeles to ascertain any information. It came rather to play a game of "cops and robbers" with the local Communists, to brag, either on behalf of itself or the FBI about how much they know about internal affairs of the local Red organization. "It must occur to you," Chairman Walter told the head of the Southern California Party organization, Dorothy Healey, "that someone knows all about your activities to give us this information."

The questions at the hearings dealt almost exclusively with internal Party matters, such as "hard" and "soft" positions taken at the National Communist Party convention in 1957; the views of Dorothy Healey, leader of the Southern California Communists; the disillusionment of a group of members with the Party and ultimate resignation of some of them; the organization of the Party into two districts; the local Party's program on various problems, such as labor, youth, Negro discrimination, and the Party's relationship to non-Communist organizations. Threading the entire six-day proceedings were a series of statements in the form of questions showing how much the Committee knew about who said what in the presence of whom. The "questions" were asked not to gather information, but to demonstrate how much had been gathered, to prove that there was nothing that the local Reds were doing which was not already known.

The Committee subsequently issued a 100-page report to Congress; it was based not on the hearings but on the intelligence information—the names, documents, surveillance reports, and dossiers—which had been turned over

to it. The hearings were referred to only to footnote the fact that particular individuals had pleaded the privilege against self-incrimination at the hearings. This report contains about 30 pages of political dossiers, obviously from the files of an intelligence agency, with full descriptions of nine of the ten members of the executive board of the California organization and of 75 individuals billed as "other party personalities."

The report takes us by the hand and guides us to the inmost mysteries: it reproduces a letter signed by 22 individuals protesting against Party policies. The letter, addressed to the National Committee of the Communist Party, is signed only with first names. But the Committee sees all, knows all. "The Committee has supplied the full names in parentheses, with four exceptions." One must not be too impatient to learn the names of the four; the Committee has "reliable information" about their identities and backgrounds, but "it is not reporting its information at this time."

The report also reproduces in 63 closely printed pages a series of 16 documents which were distributed to the delegates to a Communist convention in 1957. The relevance of these dull resolutions and speeches to any subject of Congressional concern is obscure. The body of the report—the voice of the Committee speaking directly to Congress—is little more than 20 pages long. The report warns Congress that the Party in California, "has re-marshaled its forces for a new offensive in the Golden State." This and other overheated conclusions of the report are a valiant attempt to conceal what the hearings showed, that the Party in California is isolated, weak and faction-ridden; that it is without influence among the groups which it would like to influence, workers, youth and Negroes, and that dissension and resignations have completely enfeebled it. Although the report is written in the Committee's most frenzied it-is-later-than-you-think-manner and milks the most sinister inferences from the hackneyed materials it reviews, it does not even suggest that its intelligence sources have led it to evils which require the attention of Congress. And it makes no legislative recommendations at all.

It can hardly be doubted that HUAC has, to a large extent, functionally allied itself with the FBI. A striking recent example of the collaboration is the issuance of an FBI report on the San Francisco student demonstration in

1960 to bolster HUAC's Red-plot charge and to clothe its film "Operation Abolition" with authenticity. According to a statement to a reporter for the *Washington Star* in 1957 by a former FBI agent who became a staff investigator for a Congressional anti-subversive Committee, "We wouldn't be able to stay in business overnight if it weren't for the Bureau. . . . We have eight or nine investigators. How could we possibly build up all the cases we have had without outside assistance? It just could not be done. We would have to keep lots of people under surveillance, but how could we do it with our small staff? The FBI has between 5,000 and 6,000 special agents." It is, of course, a violation of a presidential directive to make available to a Congressional agency material from FBI files. The FBI has always insisted that it rigidly adheres to the directive, and the Committee disclaims that it has access to the files. The acceptance of such a disclaimer requires the disregard of too much evidence to the contrary.

Thus, freedom of dissent still faces enormous hazards in our country. Instead of the telescreen of Orwell's "Big Brother," we may well have the combined HUAC-FBI policing every home for evidence of subversion.

15 THE LEGISLATIVE HOAX

As has been pointed out, HUAC has no authority to engage in exposure for its own sake; its investigations must have a legislative purpose. When the *Watkins* case came to the Supreme Court in 1957, Watkins' lawyers argued that he was a victim of exposure and called the Court's attention to HUAC's systematic disregard of legislative ends in all of its hearings. The Court expressly warned HUAC that it lacked the power to expose. Experts thought that this warning was HUAC's death knell as an exposure agency. When the Court spoke, even HUAC would have to listen. HUAC itself was thrown into momentary panic—but it quickly recovered.

It abandoned its former practice of shouting its exposure purpose from the housetops. Descriptions of its functions

which used the word "exposure" were denounced as "Communist semantics." Attempts by witnesses to protect themselves against exposure by reliance on the *Watkins* decision were met by a beautifully simple deception which has now become a ritual. At the hearing, HUAC announces a series of "legislative" reasons for holding the session. HUAC has, with practice, learned to apply this legislative cosmetic to its exposure operation with great skill. But immediately after the *Watkins* case, when HUAC was still a novice at applying its new makeup, the blemishes showed through—as we have seen from the 1957 San Francisco hearing. An executive session for two Newark school teachers which occurred a month after the *Watkins* decision was undoubtedly HUAC's most inept use of its then newly acquired legislative makeup.

This affair begins in 1955, when HUAC held hearings in Newark over which Chairman Walter presided, resulting in a move to oust three teachers who had pleaded the Fifth Amendment. In the discharge proceedings, the board of education struck certain testimony on the ground that it had been illegally admitted into evidence at HUAC's hearings. A final decision by the board was scheduled for June 23, 1955.

Now, whenever Chairman Walter presides over a hearing, he is particularly zealous about the "follow up." He wants to make sure that the unfriendly witnesses who have appeared before him suffer the full exposure penalty. Walter was outraged that the board of education had agreed to strike the illegally admitted testimony, and fearful that the final decision might be favorable to the teachers. He took to the floor of the House of Representatives on June 22, the eve of the board decision, and blasted the board for relying on an alleged technicality to avoid doing an unpleasant job. He bitterly complained of the board's "lack of cooperation in a fight to preserve our way of life."

Walter's pressure, on the eve of the board's vote, had its intended effect: the three suspended teachers lost their posts by a 5-4 vote. In an interview which he gave on June 26 to the Newark *Star-Ledger*, HUAC's New Jersey mouthpiece, Walter said that he was "upset" by the slim margin and rebuked the board minority. He suggested that they were subversive, and warned Newark's chief executive responsible for "appointing members of the board of edu-

cation [that he] should examine his conscience closely as to future and present appointees."

The minority which Walter had abused and threatened in this way had simply taken the view that it was improper for a public body to discharge an employee solely for exercising a right guaranteed by the Constitution—a view which was adopted by a United States Supreme Court decision shortly thereafter. On the basis of this decision, the New Jersey Supreme Court reversed the discharges and adopted the same "subversive" views as the board's minority.

The New Jersey court ordered the matter remanded to the superintendent of schools, with instructions to the superintendent to inquire as to whether or not in fact the three teachers were subversive or unfit. The teachers, the court ruled, could not be ousted merely because they had relied on the Constitution.

After a hearing before Newark Superintendent of Schools Kennelly in the spring of 1957, it became widely known that two of the three teachers would be reinstated. But the likelihood of even two reinstatements stirred the Newark Network to action. Too much was at stake. If the ouster of the teachers could be made to stick, the majority of the board of education was preparing a wide-scale purge of the Newark school system, based on a list of names supplied by an informer.

The Network sent HUAC an S.O.S., and HUAC responded nobly. It summoned the two teachers who appeared to be slated for reinstatement, and who had appeared before it in 1955, to an executive session to be held in Washington on July 24, 1957. The summons was no bolt from the blue. The Newark *Star-Ledger* had carried a statement from Walter that the teachers would be subpoenaed "because they had told the School Superintendent things they had refused to tell the House Committee." The newspaper had also imparted to its readers the ominous intelligence that the reinstatements would depend not only on the testimony before the superintendent, but on the HUAC hearings and on "any future hearings that might be held."

When the witnesses appeared in executive session before a subcommittee consisting of Representatives Doyle and Scherer, Arens interrogated them with a copy of the superintendent's secret, confidential report on his desk. How he

obtained it may only be surmised. The first witness protested that "forces in the community working against my reinstatement have exerted pressure to effect my appearance." She pointed out that her call to an executive session had been publicized despite a promise that it would not be, and that in view of the fact that the testimony before the superintendent of schools had been supplied to the Committee, although it was supposed to be private and confidential, there was no assurance that the executive hearing itself would be kept confidential as the Committee had promised it would be.

Neither Arens nor the subcommittee members responded to the witness' serious charges. Instead, they pretended innocence of the whole reinstatement issue. Thus Arens asked the witness, "You refer to some private inquiry before Dr. Kennelly, what was that?" And Congressman Scherer played his role in the game of pretending ignorance of the background of the controversy in this fashion: "You said that this Dr. Kennelly was holding a hearing at the direction of the New Jersey Supreme Court? . . . I am entirely unfamiliar with the litigation involved. Will you tell us about the directive and how it arose? . . . What was the nature of this directive that was issued to Dr. Kennelly? . . . This is the first time I have heard of it . . . tell us what you understand about it. I might want to ask some questions and I might be better able to ask those questions if I know the nature of the hearing and how it came about."

Notwithstanding these protestations of ignorance of the reinstatement issue, the entire hearing was taken up with an attempt to trap the witnesses into discussing their testimony before the Superintendent. ("Is there something you said or failed to say in your appearances . . . which was untruthful?" When the witnesses pleaded the Fifth Amendment to this line of questioning, these pleas in turn were stigmatized as an attempt to shield perjuries before the superintendent. "Did you perjure yourself before the Kennelly inquiry?") In short, HUAC was forging a weapon which could be used by Newark Network organizations either to force the superintendent to change his proposed recommendations or the board to reverse them.

When the first witness protested on the basis of the month-old *Watkins* decision that the real purpose of the session was to forestall her reinstatement, Arens read the following HUAC statement of legislative purpose:

It is the information of this Committee that there was, and perhaps is, in the Newark, New Jersey area, a union consisting of school teachers. That that union, consisting of school teachers was heavily penetrated by members of the Communist Party.

This Committee is considering legislation, with the view toward precluding certain certification of unions which may be Communist controlled or penetrated. It is for that reason, among others, that we have invited you to appear here today to give us information which might be germane to the consideration of such proposed legislation.

This justification is as spurious as the claim of ignorance of the reinstatement issue. Not a single question was asked either witness about a teachers' union or their membership in it. The entire interrogation was confined to the superintendent's hearing, the subject which Walter had assigned to the Newark *Star-Ledger* as the reason for the hearing. When the witnesses refused to discuss their testimony before the superintendent, they were excused from further questioning.

Arens' choice of a legislative pretext was an unhappy one. Under Federal laws protecting collective bargaining rights of workers, labor unions receive "certifications" to establish that they are representatives of the majority of the employees for purposes of collective bargaining. But these certification provisions do not apply to those employed by the government—Federal, state or municipal. Even private-school teachers are not subject to these laws, because their activities do not affect interstate commerce. In addition, at the time of the interrogation, there was a law on the books, the Communist Control Act of 1954, which barred from certification as a collective bargaining agency a labor organization which, in Arens' language, "may be Communist controlled or penetrated." If a possible law was to be selected to justify the hearing, Arens could at least have chosen one which had not been passed three years earlier. And this lapse was particularly strange, for Arens has claimed to be the draftsman of the 1954 law.

What completely demolishes this "legislative" justification is that only the two teachers were called whose reinstatement was threatened. The third teacher who was

not called had been the president of the Teachers' Union.

Thus crude pressure to influence the outcome of a judicially ordered hearing was concealed by a wholly fraudulent legislative justification. If the teachers had refused, on grounds not legally protected, to answer HUAC's questions and had been cited for contempt, HUAC would have repeated to the court its fake legislative purpose and disclaimed any attempt to use the executive session to expose them. And HUAC undoubtedly would have been believed—as in the Braden and Wilkinson cases.

In the case of the Newark school teachers, HUAC's labors were not wholly in vain. Three weeks after the hearing, the superintendent filed his report and only one of the two teachers on whom HUAC had worked was recommended for reinstatement. The reinstatement of the other teacher has just been ordered after six years of litigation. Will HUAC once again invent a "legislative" pretext to frustrate the court's decision?

In its annual report to Congress, HUAC makes legislative recommendations. It uses these recommendations as another means of establishing its legislative purpose. These legislative recommendations invite the assumption—by Congress and the courts—that they are the legislative answer to the problems which have been investigated in the course of HUAC's hearings and that the hearings were held to throw light on the desirability of the recommendations. This, too, is a deception to conceal the exposure purpose of the hearings.

Before exploring the relationship of these recommendations to the hearings, we should take a look at some of them. Here are a few examples:

The mandatory deportation of aliens who advocate any basic change in the form of our government.
[1940]

The statutory period during which citizenship papers can be revoked be extended to at least ten years. [1940]

That legislation should be enacted that would restrict Federal employment to citizens of the United States and that only citizens of the United States be permitted to hold office in any labor union subject to Federal laws. [1947]

Thought should be given to ways and means of stimulating defections from the Communist movement and of encouraging qualified informants. [1950].

In recent years HUAC has made a specialty of recommendations which are designed to neutralize the effect of Supreme Court decisions upholding civil liberties. When the Supreme Court construed the Smith Act to conform to the requirements of the free-speech guarantees of the First Amendment, the Committee recommended that the Act be enlarged in scope. When the Court struck down restrictive passport practices, unfair security-screening regulations, the denial of hearings to Federal employees accused of disloyalty, and state sedition laws in conflict with Federal laws, the Committee rushed into the breach with recommendations to overturn the decisions. Most of the recommendations rebuke the Court for misinterpreting the law and charge that the decisions endanger the national security.

At the outset, one is struck by the sharp difference between HUAC's recommendations and the carefully drafted legislative recommendations which normal investigations produce. Almost all of the Committee's recommendations have a broad, shotgun quality, ignoring the legal and constitutional problems which they raise.

In its most recent annual report to Congress, the Committee conceded that its rough-hewn warnings are unpromising even as raw material for Congressional action: "The necessity for remedial legislation on these subjects is apparent, but the final form which such legislation should take has been, in some instances, a matter for continuing refinement and development. . . . But due deliberation is a legislative virtue." Still, Congress must not flag in its "due deliberation," for "history must not record that this generation has negligently left its patrimony of liberty to be taken from it by those who pass in the shadows."

What is most remarkable about the recommendations is not their technical crudity and political flavor, but the fact that they are quite unrelated to the hearings from which they are supposed to flow. For example, HUAC's 1953 annual report makes eight recommendations for legislation which, it claimed, were "based upon investigations and hearings" in that year. They range from proposals for wire-tapping legislation to barring second-class mailing privileges to "subversive publications." Most of

the recommendations, if adopted, would invade our basic freedoms and raise serious Constitutional questions—all of which are blithely ignored.

Still, the question of "how" these recommendations can be legally adopted is not nearly as puzzling as why they should be. There is no reference to the evil or threat established in the hearings to which the recommendations are a response. And when we look at the hearings—either as they are summarized in the report or in full—we understand why: They do not deal with the subject matter of the recommendations. They could not possibly enlighten Congress as to why these extraordinary proposals were advanced.

The hearings in 1953, as summarized in HUAC's annual report, include six "area" hearings, two subject-matter hearings (education and government-labor), hearings on a Methodist Bishop and minister, and three hearings on foreign affairs involving testimony from iron-curtain defectors.

No rational links to the recommendations are supplied by the area hearings, because they deal not with problems, but with people. The summary of the Los Angeles hearing is prefaced by an honor roll of the names of 42 friendly witnesses, who among them identified a multitude of alleged Communists. The names are all submitted to Congress in 26 closely printed pages of the report. The high point of the Los Angeles investigation was the fact that, "As a result of tireless investigation on the part of the Committee and the cooperation of numerous witnesses . . . more individuals were named as members of the Communist Party in Los Angeles than in any other locality in which the Committee has held hearings." In addition to the news of this record-shattering event, the report shares with Congress the intelligence—of inscrutable legislative relevance—that one Los Angeles witness who had refused to disclose whether he had been a Communist had, however, "indignantly denied" that he had used any other name. The Committee triumphantly produced another witness who testified that he *had* known this man under another name.

The New York City area hearings of that year produced an honor roll of 11 friendly witnesses who named 225 victims. But there is still no link to the recommendations. The Columbus, Ohio, section of the report gives Congress

the names of 5 cooperative witnesses and of 12 individuals whom they dubbed Communists. It informs Congress that "the first enemy of the Communist is a belief that you are created by a Divine Creator," but leaves Congress in the dark about the need for eight recommendations—so does the Albany, N.Y. section of the report, in which a corporal's guard of 4 friendly witnesses gets high praise for identifying 90 individuals, all of whom are named. The summary of the Committee's Philadelphia hearings consists of a list of 19 unfriendly teachers who, the Committee ambiguously informs Congress, "are a very small fraction of the loyal American teachers in Philadelphia, Pa." The testimony identifying the teachers was not made public; so no honor list is published—a curious fact, but hardly enlightening as to the need for the recommendations.

The report's summary of the Committee's San Francisco hearings includes a remarkable two-and-a-half page close-printed extract from the testimony of a friendly witness, an ex-Communist, of how he came to join and why he left the Party. One also learns from the report that, in still another area of endeavor, Los Angeles has outstripped its sister city. All that the ten helpful San Francisco witnesses could produce was about 300 names, 13 pages worth—just about half of the Los Angeles record-breaking total.

In the same way, the report of HUAC's summary of the education hearings is crowned with an honor list of 12 friendly witnesses, followed by a longer list of the 54 individuals whom they named as Communists. The rest of this portion of the report is taken up with such cosmic questions as whether the universities are more effective than the Committee at ferreting out Communist teachers. The government-labor report concentrates on the case of a resigned Government worker who had concealed the fact that he had been a Communist from 1938 to 1940, and concludes with a list of five individuals in the labor movement named as Communists.

Still in the dark as to "why" the recommendations, we study the report of the hearings of the defectors and the Methodist churchmen, but they are equally useless in helping us find our way back to the recommendations.

There is no way back. The recommendations are *not the result* of the hearings, but are *entirely independent* of them. They are not based on evidence and do not reflect the testimony of the witnesses. They are not rooted in a

fact-finding process at all, but are simply an expression of the subjective views of the Committee, its members and staff. They resemble resolutions by an American Legion post, and are recommendations in the same dubious sense that the frustrated cry, "There ought to be a law" is a recommendation. They give Congress no more help in the process of law-making than a letter by a private citizen to his Congressman. And since the problems with which they deal are not, even remotely, what the hearings are about, the claim that the hearings have a legislative purpose must be marked down as another deception.

A third response to the *Watkins* decision is HUAC's compilation of a "box-score" of its recommendations, which, it asserts, became law. Like the prehearing statement of legislative purpose, HUAC's box-score is recited at the hearing to brighten its legislative image. It is offered as a record of solid legislative achievement to refute the claim of a pattern of exposure.

But the box-score is characteristically overstated. Just as the recommendations find no support in the hearings, so the laws to which HUAC points are largely unrelated to the recommendations. The box-score, which was published in 1958 (expanded edition 1960) claims that HUAC made 79 recommendations of which 29 assertedly became law. In point of fact, all but one of the 29 laws were processed by other committees. HUAC argues that simply because it made a recommendation and another committee processed a bill on the same subject which became law, HUAC is somehow entitled to credit.

As a matter of fact, in some instances, the reporting of the bill anteceded the Committee's recommendation. For example, the Committee made recommendations in January 1956 for broadening the sedition and espionage acts. It claims that its recommendations were enacted in the summer of 1956. But the legislation was proposed a year before the Committee made its recommendations, and was reported favorably (by the Judiciary Committee) eight months before HUAC's recommendations were made.

The Committee demands not only retroactive but also clairvoyant credit. Thus, it insists that three recommendations which it made in 1941 on the subject of aliens resulted in the enactment, 11 years later, of certain provisions

of the Walter-McCarran Act. Proposals made in 1941 for enlarging the statute of limitations in certain kinds of cases are seriously pressed as the source of a statute passed in 1951 and processed by another committee.

One final instance will convey the enormously strained flavor of the Committee's claims. In 1941, the Dies Committee made a blanket recommendation that financial support be withheld from schools which permitted members of the faculty to advocate Communism, Fascism or Nazism. The Committee contends that this recommendation entitles it to assume credit for a law passed 11 years later, Section 228 of the Veterans' Readjustment Act, prohibiting payment of an educational allowance to any eligible veteran who enrolls for a course in a school on the Attorney General's list of subversive organizations! The legislation in question was processed by the Veterans' Affairs Committee of the House, which nowhere indicated that the "recommendation" by a sister committee 11 years earlier had in any way been responsible for the law.

Equally absurd are the Committee's contentions that many of its recommendations, while not in fact enacted into law, are the subject of bills now pending. Here, too, the Committee assigns itself credit for work actually done by other committees. For example, the Committee demands credit for a group of wire-tapping bills which, it says, were inspired by its recommendations. But bills of this sort were pending before the House Judiciary Committee long before any recommendation was made by HUAC. Indeed, the House Judiciary Committee has, from time to time between 1940 and 1950, held extensive hearings on a series of fourteen wire-tapping bills, none of which owes its origin to the recommendation of the Committee. HUAC's relationship to Congress is basically that of an impassioned special pleader. Its recommendations have an agitational warning-from-the-ramparts quality: "Hurry-up and do something," HUAC's recommendations in effect plead, "it is light years later than you think." HUAC seeks to spur other committees to take action which they are unwilling to take—either because of constitutional doubts or for reasons of policy. But our legislative system does not authorize a Congressional committee that lacks jurisdiction, to supervise, bully or coach other committees that have it.

Still another legislative cover for HUAC's exposure system is the Omnibus Security Bill. Beginning in 1957, and every year thereafter Chairman Walter, with many flourishes and fanfares, has introduced an Omnibus Bill containing a heterogeneous accumulation of the Committee's legislative recommendations through the years: Smith Act enlargement, passport restrictions, industrial security-screening measures, etc.

This Omnibus Bill is designed to serve as an umbrella of legislative purpose over the Committee's investigations. Its widely assorted provisions could justify any conceivable anti-subversive inquiry. It is frequently summarized at the commencement of the hearing to anticipate and block protests by witnesses that the hearing has no legislative purpose.

This is a short version of this post-Watkins gambit recited at the beginning of the Committee's 1958 New Orleans hearings.

To strengthen our security laws, a number of legislative proposals are pending before the Committee. The most recent and comprehensive proposal is in the form of an omnibus security bill, H. R. 9937, which Chairman Walter introduced and which represents the most comprehensive effort ever made to deal with the many legislative problems in the field of internal security. It is the hope of the Committee that factual information obtained at this hearing will be of assistance in the consideration and appraisal of the numerous provisions of this bill.

But the Committee is playing games. This annually introduced bill has never been reported out to the floor of Congress. Here is a measure which is a bouquet of the Committee's fairest recommendations, the subject of many hearings to develop "factual information," the passage of which the Committee insists is imperative to rescue the Nation from betrayal and ruin. Why has the bill never been reported out? Because as long as it is pending, the Committee can use it as a pretext for more exposure hearings.

Another curious and revealing explanation was recently offered by Chairman Walter. In testifying in the course of a trial last year (1960), Chairman Walter explained the mystery of the bill: "Frankly, we haven't acted on it be-

cause parts of it have been acted on in other committees, and parts of it are pending in other committees. You will find it in many different pieces of legislation over which other committees have jurisdiction." This legislative monstrosity has been re-introduced by the Chairman this year (H.R.6,1961). It has no future as legislation, but it can be used for years as a reason for developing "factual information" of the "are-you-now-and-have-you-ever-been" variety—a marvelous violin case in which to carry the machine-gun of exposure.

All of the four methods which HUAC has devised to give its investigations a legislative facade are even more implausible than the preceding pages indicate. The Committee must pretend not only that it is investigating for a legitimate legislative purpose, but that the legislative problem which it claims to be pursuing falls within its jurisdiction. It consistently uses as a cover for its exposure hearings problems and issues which it has no jurisdiction to investigate at all. Its jurisdiction is defined as "propaganda" and "propaganda activities," but it systematically raids the jurisdiction of other House committees—such as Judiciary, Armed Services and Foreign Affairs—for subjects to mask its exposure operations.

For example, in 1960 the Committee grilled the delegates to a youth festival in an exposure hearing complete with informers and surprise witnesses. The justifying ploy was a claim that the Committee was considering the advisability of legislation providing for official, Government-sponsored, politically reliable, delegations to such festivals. But this is a bare-faced usurpation of the jurisdiction of the Foreign Affairs Committee. In the same way, virtually all of the recommendations of which it is so proud involve problems and responsibilities which belong to other committees. And those recommendations which it claims became law, achieved that status, with one exception, only because of the activity of some other House committee with appropriate jurisdiction.

The Committee sheds no tears because there is no jurisdictional pillow on which to rest its weary head. Indeed, its jurisdictional shortcomings are an asset, freeing it from legislative responsibilities so that it can roam wherever it likes and expose at will. The very obscurity of

the Committee's mandate has permitted it to set up shop as an exposure bureau for the whole Congress without regard to jurisdictional limitations.

HUAC's restricted and obscure jurisdiction is primarily responsible for its extraordinary record of sterility as a standing Committee. During the entire 16 years of its functioning as a standing Committee, HUAC has processed only one law, the Internal Security Act of 1950. The constitutionality of this highly controversial piece of legislation, passed over President Truman's veto, has not yet been determined by the United States Supreme Court.

The Committee also claims credit for another dubious product of the fifties, the Communist Control Act of 1954, termed by some the most repressive and by others the most foolish law ever passed. Whatever the merits of the law, the Committee had little or nothing to do with it. Representative Velde, while a member of the Committee, introduced a bill dealing with the subject of the legislation; but it was the Senate bill which ultimately became the law. The Committee never held hearings on its bill. When the Committee reported favorably on the bill, something unusual happened: a minority led by Representative Walter of the Committee attacked it on the ground, among others, that the bill was "reported by the Committee on un-American Activities without one word of testimony pro or con introduced, or a report from the Department of Justice submitted." Nor is this the whole story. From March 18, 1954 to June 30, 1954, the House Committee on the Judiciary conducted intensive hearings on a group of 20 bills and resolutions, the counterparts of the Senate-sponsored measures which became the Communist Control Act. But the Judiciary Committee refused to report the bill out. Thus the Act was sponsored on the House side by HUAC (which had not held a day of hearings on it) and was rejected by the Judiciary Committee which had extensively canvassed its merits.

It can be readily surmised from its puny output that HUAC is no tower of strength as a legislative standing Committee. Those who operate the Congressional law-making machinery turn to other legislative agencies to process the bulk of the antisubversive measures which are offered. During the first six years of the Committee's ex-

istence, no bill was referred to it, since it was only a special committee. During this period of time, the Committee published some 16,000 pages of hearings and reports, but made no direct legislative contributions. It was indirectly responsible for one piece of legislation, the appropriation rider withholding pay checks from certain Federal employees on the grounds of subversion. This was invalidated as a bill of attainder by the United States Supreme Court in the *Lovett* case.

From January 1951 to the present, scores of bills on various aspects of security and subversion have been thrown into the legislative hopper. These bills are indexed under headings such as "Communism or Communists," "Subversive Activity," "Foreign Agents," "Subversive Aliens," "Subversive Propaganda," and related subjects which the Committee claims as its jurisdiction and which serve as subjects of its investigative hearings. But only a fraction of these are ever referred to the Committee; and most of even that fraction are the brain children of the Committee Chairman or members, which find their way to the Committee in courtesy to their sponsors. Bills covering the same subject, but under different sponsorship, are regularly assigned to other committees. The following table summarizes the Committee's role as a standing Committee from 1951 (82nd Congress, 1st Session) to 1960 (86th Congress, 2nd Session).

Congressional Session	All Committees	Bills Referred to:	
		House Un-American Committee	Anti-Subversive Bills Referred to All Committees
82nd (1951-52)	5,324	2	21
83rd (1953-54)	6,478	4	57
84th (1955-56)	8,796	1	30
85th (1957-58)	10,331	5	31
86th (1959-60)	10,847	19	42
TOTAL	41,776	31 *	181

* 17 of this total introduced by HUAC members.

Thus, in the past decade, HUAC, one of the House's most lavishly financed and staffed operations, has handled seven hundredths of one percent of its legislative business, and a little more than one-sixth of its antirsubversive bills.

It is not merely that the Committee is called on to handle so few bills: it rarely holds hearings even on those

bills which are referred to it. It held no legislative hearings on any of the 12 bills referred to it between 1951 and 1958. In its entire history, the Committee has held three purely legislative hearings on some six bills. This is, of course, a minute fraction of the hearings which the Committee has conducted as an investigative committee.

You may wonder why the Committee, which is prolific in investigation hearings and frequently holds more of them during the course of a Congressional session than all of its sister committees, is so coy about holding hearings on the bills which are referred to it.

There is no mystery about this. Purely legislative hearings are dull. There may be a headline in some minatory observations of J. Edgar Hoover about the "Menace," but, by and large, they create scarcely a ripple in the news. Besides, a legislative hearing requires a measure of preparation and some familiarity not only with the subject of the bill under consideration, but with the legal problems which it presents. How different from the investigative-exposure hearing, where all that the Committee panel does is to proceed according to a familiar prepared script.

Then, too, many of the bills in the antisubversive area raise serious questions of constitutional law, because they restrain freedom of thought and expression. The legislative hearing forces the Committee to recognize the existence of the Constitution as a limitation on Congressional power. The Attorney General's office might—as it has, on occasion—tell the Committee that the proposed bill violates one or more of the basic freedoms.

The House itself recognizes that the Committee puts no great strain on the legislative talents of its members. It is one of the few committees in the House which is exempt from the rule limiting Congressmen to service on only one standing committee. A member of the Committee may, in addition, have another standing committee assignment. The theory of the legislative hearing is that both expert and representative lay opinions should be freely heard, not as friendly or unfriendly witnesses, but pro or con. The legislative committee needs to know about the legal and constitutional bugs in the measure, but it also wants a sampling of informed popular opinion. It is particularly desirable to get the viewpoint of those adversely affected by proposed legislation. If you plan to raise a man's

taxes, limit farm income, or curtail the right to strike, the taxpayer, farmer, and trade unionist ought to be heard. People are more ready to accept and live with legislative decisions adverse to their interests when they have had an opportunity to shape and influence them. And this is never more true than when you propose to take away from their freedoms.

Even HUAC must hear the opposition when it holds a legislative hearing. While HUAC's few legislative hearings are heavily loaded with ultrarightists and security watchdogs, liberal, labor and civil-liberties groups manage to put their objections and constitutional doubts on the record. The Committee enjoys this as little as a poacher would relish an afternoon's sport with the gamekeeper at his side. To HUAC it would be senseless to afford a forum for the "subversives" it ceaselessly harries from which to attack the official version of the "Menace"; it is simpler to expose them. Besides, who needs a statute? The systematic exposure of the dissenter has the effect of a statute, but makes its formal passage superfluous. At the same time, it bypasses the Constitution.

These considerations undoubtedly explain why the Committee majority reported out a version of the oppressive Communist Control Act of 1954, not only without asking the opinion of the Attorney General, but without holding hearings at all.

HUAC may have found a way of combining legislation and exposure in a single hearing. This two-for-the-price-of-one approach—a "legislative" curtain-raiser followed by an exposure hearing—was launched in 1959 when HUAC conducted "legislative" hearings in Pittsburgh on an industrial security bill, introduced by Congressman Scherer, with a full array of Government security officials as witnesses. After their testimony, the Committee switched to an old-style exposure hearing. Scherer's bill, however, had not even been referred to HUAC, but was under consideration by the Judiciary Committee. HUAC invaded the jurisdiction of another committee to conduct hearings on a bill which it had no power to report out. It then yoked this "legislative" hearing to its regular exposure operations. Committee member Scherer wasn't too sure why the Committee was playing in the

Judiciary backyard, except that he personally liked the idea:

. . . I think it should be noted that H.R.3693, the bill we are discussing, has not been referred to this committee for consideration but is before another committee of the House. Some people may wonder why this committee does not report out this bill. Of course, personally, I feel that this bill should be before this committee, but that is beyond my control.

The Staff Director, Arens, came to the rescue with this smooth explanation of how to saw a bill in half:

. . . The reason we are making the inquiry and the reason the Committee on Un-American Activities is developing the facts on this is that the bill itself, though technically pending before another Committee, deals with a subject, namely Communism, which is within the jurisdiction of the Committee on Un-American Activities.

If the reader doesn't understand the difference between "technical jurisdiction" (the kind the Judiciary Committee had) and the Committee's jurisdiction, he shouldn't be too troubled. No one else does either.

In 1960, HUAC used this new legislation-exposure approach in two sets of hearings held on bills introduced by Chairman Walter and referred to the Committee. These two bills would deny licenses to seamen and radio operators who declined to answer questions put by Federal agencies (including Congressional committees) about subversive activities. In each of the hearings, HUAC first called Government officials and private individuals who were all enthusiastic supporters of the measure under consideration. It then proceeded to interrogate groups of seamen and radio operators.

Instead of asking these witnesses their views about the bill supposedly under consideration, the Committee launched its familiar exposure-style hearing. An uninformed reader might find these hearings rough going if he forgot to shift gears between the testimony elicited from the supporters of the bills and that coerced from the seamen and radio operators who were the bills' targets. He

might ask why was the one group invited to expound at length on the reasons for passing the bills, while the very individuals directly affected by them were denied an opportunity to give their views and instead subjected to the exposure treatment.

It was a foregone conclusion that these subpoenaed witnesses would be unfriendly: at the very time they were subpoenaed they were involved in litigation contesting the power under the Constitution of Government agencies to impose loyalty tests as a condition of employment. In the guise of conducting a legislative hearing, the Committee merely sought to create new reasons why they should be deprived of a livelihood. And it was not one whit abashed by the circumstance that it was intervening in pending litigation. As a matter of fact, it had before it the files of some of the witnesses obtained from the Federal Communications Commission, and asked them the same political questions which were then being challenged in court on constitutional grounds.

HUAC may thus have found still another way to mask its exposure operation—by using the rare hearings which it does conduct on legislation as a form of camouflage for exposure.

As a standing Committee, HUAC plays the same non-legislative game that it plays as an investigating Committee. The legislative process is important to HUAC—but only as a cloak for its exposure system.

The Committee's case in support of its legislative contributions gives fresh proof of its extraordinary affinity for the arts of deception. The punishment of the witness and the invasion of his rights cannot be written off as the price we must pay for getting on with the business of government, for the business the Committee is engaged in is not the business of government. The Committee's business is really exposure for its own sake. We must face the fact that a revolutionary organ of governmental power has come into being in our time which performs functions irreconcilably in conflict with the way in which we have agreed to govern ourselves.

CONCLUSION

A fresh wind is rising in America. We are bestirring ourselves from an era of complacency, fear and conformity and are beginning to count the heavy price we have paid for the stifling of individuality and dissent.

During the fifties, we were warned by our intellectual leaders—educators, statesmen, writers—that repression would bring us to political, social, and cultural disaster. We were squeezing America into a mold of sterility, mediocrity and intolerance which would fatally handicap our ability to solve the problems which confront us. But these warnings were met, for the most part, with apathy, or were outweighed by a fear of using our freedoms.

Today, this apathy and fear have been replaced by a growing concern. There is spreading among our people a deepening mood of self-consciousness and self-searching. There is an uneasy feeling that as a people and as a Nation we have somehow lost our way. Americans are worried about our lack of initiative, educational inadequacies, cultural shortcomings—about our insensitivity to the oppression of minorities, the mediocrity of our mass media, the unimaginativeness of our foreign policies. We make best-sellers of the books that give a name to our plight, that tell us how unenthusiastically we are regarded abroad, or why we are so conformist at home.

Many are asking, how did this happen? How can we change this? We are looking for answers. Do we have a national purpose? What are our goals? Are equality and democracy mere slogans or basic articles of our political faith? What about Little Rock and its sequels? How much freedom are we prepared to stand up and fight for in our daily lives?

It has become desperately important for us to see ourselves clearly, to face courageously and honestly the causes of our failures and frustrations at home and abroad. The old cries about the need for security cannot offset a dying sense of individuality. Sloganized hate for the Reds cannot

explain away every error, cannot hide our bewilderment over the mess we have made of the values by which we are supposed to live as a people. We cannot avoid a reckoning with the governmental, security, corporate and military controls that breed submissiveness and tie us into the straitjackets of orthodoxy and safe nonthinking.

This self-questioning brings us face to face with our key dilemma—the erosion of our basic democratic freedoms. We are the leaders of the free world. Our greatest asset as a Nation is the strength of the democratic way. The integrity of our entire system of government depends on the defense and protection of freedom of political expression, association and dissent. Our security and progress as a Nation require the most vigilant safeguarding of freedom of thought, of criticism, investigation, expression and controversy. We must not just believe in freedom, we must practice it—buoyantly and passionately.

We can defend our freedoms against totalitarian threats only by steadfastly upholding those freedoms, not by fostering our own brand of totalitarianism. We can rescue ourselves from the tranquillizing influences which sap our independence only by reasserting and implementing our dedication to the free mind and the free spirit.

Americans in growing numbers are coming to this realization. The era of fear and anxiety is being challenged by a new mood of faith in freedom.

The movement for HUAC's abolition of which I spoke in the opening pages of this book is a clear indication of this new determination to regain our freedoms. The swelling cry that HUAC must go is something new in America. McCarthy and his "ism" met with protest, but it was discouraged and isolated. The anti-HUAC movement is a large-scale assertion of a demand for an end to repression and the techniques and institutions which engender conformity.

Among those who have called for the ending of the Committee are Mrs. Eleanor Roosevelt, Governor Gaylord Nelson of Wisconsin, Dr. Reinhold Niebuhr, Norman Thomas, Stanley Isaacs, Dr. Lewis Mumford, Algernon Black, Carey McWilliams, Bishop James A. Pike, Bishop G. Bromley Oxnam, Helen Gahagan Douglas, Professor Henry Steele Commager, Professor George S. Counts, Professor C. Wright Mills, Lloyd K. Garrison, Dr. Frank P. Graham, Dr. Millicent McIntosh, A. Philip Randolph,

Professor Arthur Schlesinger, Jr., Dean John C. Bennett of the Union Theological Seminary, Dean Douglas Horton of the Howard Divinity School, and Dean Liston Pope of the Yale University School of Divinity—to name only some.

Outstanding leaders of the American religious denominations have attacked the Committee, as have many professional, civic and labor organizations, including the American Civil Liberties Union, Young Democratic Clubs of America, Americans for Democratic Action, American Jewish Congress, Commission on Social Action of Reform Judaism, the American Association of University Professors, Amalgamated Clothing Workers of America, United Packinghouse Workers of America, American Federation of Teachers, and the United Electrical, Radio and Machine Workers of America. Some 250 Southern Negro leaders have protested HUAC's attempts to frustrate the Supreme Court's decision against racial segregation.

Over a thousand members of the faculties of such American universities as Harvard, Yale, Princeton, Northwestern, Columbia, Stanford, University of California, Wisconsin, Michigan and Brown have joined in demands for HUAC's abolition.

Congressman James Roosevelt, a California Democrat, has emerged as HUAC's leading Congressional opponent. His April 25, 1960, speech on the House floor, "The Dragon Slayers," called for the Committee's abolition on eight counts:

First—the Committee had spent "large amounts of time, money and energy ponderously exploring the absurd and self-evident."

Second—the Committee was blindly fanatic in evaluating the political orthodoxy of its victims; its "world is one of black and white moral judgments on matters of immense intricacy and great shadings."

Third—the Committee systematically encroached on the jurisdiction of other Congressional committees.

Fourth—the Committee makes no contribution to the defense of the Nation's security and, in fact, was not created for that purpose.

Fifth—the Committee has transformed itself into a "roving police force and prosecuting agency to haul persons and groups before it, accuse them and force them either to answer under oath or claim their constitutional protection.

Yet it acts with the aid of immunities and powers we would not dream of granting our police and public prosecutors."

Sixth—the Committee had similarly usurped the functions of the courts; here again, it has ignored the standards "of fairness and impartiality which we impose upon our judiciary."

Seventh—the Committee's mandate is "inherently contrary to our democratic traditions. How did we come to establish a committee to decide what was 'Un-American,' forsooth, and still worse, how did we persuade ourselves that propaganda, speech, was a fit subject for regulation by inquisitorial techniques such as the Committee employed. To me the very nature of that commission is at war with our profoundest principles. We have, in effect, created and empowered an agency to supervise the exercise of First Amendment rights, an organ for censorship and suppression."

Eighth—the "most serious criticism of the Committee," Congressman Roosevelt charged, was the fact that it had become an agency for the destruction of human dignity and constitutional rights. "We have become accustomed to think of those whom it subpoenas or labels as victims rather than witnesses. Endlessly they are dragooned before the Committee and accused. Secret sources, arrogance, rudeness, that maximize defamation and the threat of prosecution either for perjury or contempt if they do not seek the refuge of silence are the constant ingredients of this degrading spectacle. Beyond this the Committee is sanctimoniously cruel. Those who would answer the charges against themselves are forced to accuse others and become the agents of further havoc."

The press has raised its voice for HUAC's abolition. Shortly after Congressman Roosevelt's speech, the *New York Times* editorialized as follows in support of the Congressman's charges:

Fortified by ample appropriations almost automatically renewed each year by the House, the Committee pursues its heresy hunt, endangering constitutional guarantees in the process, weakening at home and abroad America's reputation as the land of the free—and all to what avail?

If the security of this nation were dependent on the kind of exposure for exposure's sake the Committee

has repeatedly indulged in, whether investigating actors in New York or school teachers in Washington, then our country would really be in a dangerous condition.

At the same time, the influential *Washington Post* wrote that the "House of Representatives ought soberly to ask itself if it wants to go on indiscriminately punishing Americans for resisting a Committee which has long since ceased to serve any useful purpose and which has probed relentlessly into the area of private conscience and belief."

In 1957, the *Louisville Courier Journal* wrote that the Committee "had dragged the Communist fish pond dry without revealing any plots, truths or conspiracies that weren't already known;" that it had conducted its activities "with an eye to the notoriety that might be gleaned but without any real legislative purpose in mind or any objective other than the embarrassment and humiliation of witnesses and the gathering of headlines."

The *San Francisco Chronicle* has repeatedly denounced the Committee, most recently charging it with "vicious defamation of character, inane irrelevancies and crashing boredom."

The *Newark Evening News* of February 9, 1960, dismissed the Committee's 1959 annual report: "Time and events have not been kind to the Committee. Its early days were sad, and its methods never quite earned full public confidence, so perhaps it is time to receive and file the 1959 report, discharge the Committee with thanks and leave the fight against Communism in all dimensions to the FBI and other agencies more adequately equipped."

The San Francisco student demonstrations have made it plain that youth does not intend to surrender its freedom to the compulsions of the Establishment. Youth everywhere in our country is in ferment and in revolt against complacency, conformity and Madison Avenue orthodoxy. They know that for them protest and dissent are fraught with special dangers. There is the problem of preserving a record of discretion and noninvolvement so as to qualify for a Government job. Our large corporations do not choose junior-executive material from the ranks of the "controversial." Our defense connected institutions stand ready to bar a scientific career to such "security risks" who speak up against nuclear testing, go on peace walks or support

the sit-ins in the South. Fellowships do not reward the rebel, nor do our large foundations succor him, gifted though he may be.

Nor, as was true a generation ago, are there ready-made organizations through which youth may voice its protests. The youth of our day have come to their causes and commitments by stirrings of individual conscience, by the pull of questioning curiosity and the hatred of sham and injustice. Risking much, they have proceeded from choice to painful choice—shattering the shell of repression, mediocrity and intolerance with which a decade of controls has cramped our society.

Youth wants to recapture the humane, truth-seeking tradition which has vitalized our democracy from the beginning. It knows that only in this tradition can it fulfil itself, find its significance and define its purposes. And fulfilment to be meaningful must come from engagement and involvement in the social, political and economic problems of our times, not in beatnik self-exile.

The freedom that our youth wants is not an abstract exercise in political theory, a form of self-advertisement to prove how much better "we" are than "they," but a tool for living and growing. Youth demands freedom now because freedom is a precondition to finding the answer to all the other momentous problems which involve our future and their fate. They reject the dogmas of Communism as sharply as they reject the dogmas of anti-Communism.

The opposition of America's young men and women to HUAC was inevitable—because the Committee is the enemy of freedom. The March 1960 *British Journal of Sociology* has published the results of a survey on civil-liberties attitudes on the University of California campus at Berkeley. The survey was based on 894 completed questionnaires, considered to be a reasonably reliable sample of campus opinion. Four of the questions in the questionnaire dealing with anti-subversive investigations drew the following responses:

1. It is reasonable to suspect the loyalty of a lawyer who represents accused Communists before a Congressional committee. Disagree, 79%; agree, 14%; don't know, 8%.
2. A high school teacher who pleads the Fifth Amendment while being questioned by a Con-

- gressional committee should be fired at once. Disagree, 75%; agree, 13%; don't know, 11%.
3. Legislative committees should not investigate the political beliefs of university faculty members. Agree, 61%; disagree, 29%; don't know, 9%.
 4. A former member of the Communist Party who refuses to reveal the names of Party members he had known should not be allowed to teach in a private university. Disagree, 60%; agree, 27%; don't know, 13%.

In 1960, the United States National Student Association, America's largest, and most respectable, student organization, strongly condemned HUAC and launched an intensive informational campaign about its activities. On virtually every large American campus, students have challenged HUAC and attacked its film. Student leaders, molders of opinion, have been in the vanguard of the anti-HUAC drive. This prickly, uncompromising opposition is the new "treason of the intellectuals."

HUAC may have good reason to fear that American youth may be its nemesis. This is why staff member Fulton Lewis, III, has so zealously attempted to peddle "Operation Abolition" on American college campuses. But the Red plot, the old reliable shield against attack, may fail HUAC. What can be done with a generation of 18 to 23 year olds with no political past to serve as an exposure target who are insistently and increasingly demanding their full heritage of freedom?

HUAC's strategy to turn back this new abolition movement is the same strategy of terror which has served it so well through the years. No Communist is as unhappy about the numerical decline of the Communist Party in this country as HUAC. No Communist tries so hard to conceal the lack of power of the Party in America and its rejection by the overwhelming mass of our people. HUAC warns us against the fearsome non-Reds, the questioners and challengers who are even more dangerous than the Reds because they want to abolish HUAC and are harder to expose and attack. But fewer and fewer people can be persuaded that the hosts of HUAC's opponents are merely dupes.

Ever more frequently and loudly, HUAC yelps, Wolf, Wolf: the Reds are at our throats; the conspiracy grows

stronger by the hour; visual "proof" is created of Red-inspired violence within our borders; our defenses are powerless to cope with it. In this security racket, nothing succeeds like excess. The wilder and more dishonest the charge, the better. The cornerstone of this manipulative technique is a falsehood—that our country is under a permanent internal threat of subversion with which the courts, the FBI and our mountainous pile of antisubversive statutes are powerless to deal.

It is this security blackmail that has kept many ordinary Americans from a definite commitment to the abolition movement. What would happen to our security, they ask, if HUAC were abolished?

The answer, of course, is that we would be far more secure than ever before. If recent history has taught us anything, it has confirmed the truth of Benjamin Franklin's reminder that "They that would give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety."

But HUAC offers no "safety" of any kind—temporary or permanent. HUAC is not a security agency and has no mandate to safeguard our security. The investigation of violations of our security laws is a function of the FBI, not of HUAC. If there is evidence of subversive acts, the suspects under our system are entitled to formal charges and fair trials—not exposure by HUAC. And if all that is involved is speech—divorced from action—then our Constitution decrees that no law can punish it or restrain it.

If our present laws are inadequate to check threats to our security, then those Congressional committees which have been authorized to process security legislation—primarily the Judiciary Committee—are available to do so and to conduct investigations.

If HUAC were abolished, Americans could exercise their freedom to dissent and to criticize without fear; organizations could take stands on controversial issues without the risk of a HUAC "citation"; the never-ending stream of political propaganda pouring from HUAC's hate mills would dry up; there would be no more indexes for use by blacklists, no more heavy annual appropriations. The image of America, at home and abroad, would no longer be shamed by an agency of Government which exploits fear, promotes hate and uses falsehood as weapons of ideological warfare.

The Network groups, deprived of access to HUAC's forest of dossiers with which to slander and pillory their opponents, would have to fend for themselves in the open arena of free expression, without a protector, a voice, and a friend at court—as extremists of any kind have to do. This is as it should be. An active, functioning democracy assumes that its citizens are capable of exercising their freedom of choice without governmental intervention. The price of democratic freedom comes high. It demands awareness, it demands education, it demands knowledge of the whole spectrum of political, cultural and humanitarian thinking, it demands that we run the risk of listening to all voices. This is our pride, our strength and our most solemn commitment. Only in freedom can the rich promise of democratic government become a reality.

SOURCES AND ACKNOWLEDGMENTS

The argument of this book, that the Committee is not a legislative investigating committee but an illegal law-enforcement body with a dominant purpose of punishment and exposure, was first developed in a brief which I prepared for the United States Supreme Court in 1955. The elaboration of the argument here is based primarily upon the official records of the Committee: its printed hearings, reports, indexes and miscellaneous publications. I have also made use of *Congressional Investigations of Communism and Subversive Activities*, Summary-Index, 1918-1956, compiled by the Senate Committee on Government Operations (1956), and the *Internal Security Manual*, Senate Judiciary Committee (1960 ed.)

In addition, I have drawn extensively upon newspaper reports about HUAC in particular areas where hearings have been held. Accounts of HUAC's activities which have appeared over the past decade in the *New York Times*, the *Washington Post*, the *San Francisco Chronicle* and the *New York Post* have been especially helpful. The *Easton Express*, a newspaper published in Congressman Walter's home district, is an invaluable source of informa-

tion about HUAC's Chairman.

The *Congressional Record* supplied a great deal of revealing material both about the Committee and its members. I have also made extensive use of court records, briefs and decisions in cases involving the powers of the Committee.

Many of the witnesses before the Committee have generously granted me interviews. For obvious reasons, their names are withheld—as are the names of other unfriendly witnesses who have requested me to do so. I have also profited from interviews with lawyers who have appeared professionally before the Committee and, in some cases, have been permitted to consult legal files dealing with activities of the Committee.

An invaluable source of information and leads have been the files of the *Nation* and *Reporter* magazines. Scores of pamphlets have been written about HUAC. Many of these have been very useful—especially those dealing with the Committee's early years. I have also drawn on the files of various civil organizations and groups.

The authoritative study of the Committee from 1945 to 1950 is by Robert K. Carr, *The House Committee on Un-American Activities* (Cornell University Press, 1952). The pre-1945 period is the subject of an admirable work, *The Dies Committee* (Catholic University Press, 1945) by Father August R. Ogden. I have drawn on these two books, although the major stress in this one is the recent period of HUAC's functioning.

In addition to the general sources to which I have referred and the specific ones cited in the text, I have relied on the following material and documents:

The summary account of the San Francisco demonstration in Chapter 1 is based on an article "Black Friday" in the July 1960 issue of *The Californian*, and on a newspaper series by Hadley Roff and Wes Willoughby which appeared in the *San Francisco News-Call Bulletin*, January 23-31, 1961. The statistical material dealing with the Committee's appropriations is from the *Congressional Record*, and from statements by Representatives William Fitts Ryan (D. N.Y.) and James Roosevelt (D. Cal.) made on February 21, 1961 to the House Administration Committee. Supplementary material about such matters as HUAC's expenditures and contempt citations appears

in a Committee publication, *This Is Your House Committee on Un-American Activities* (1954) and in HUAC's Annual Report for 1960.

The source material for Chapter 2 is the *Congressional Record*. The account in Chapter 3 of the attacks on Wilkinson and his organization is based on interviews. The *Berkeley Daily Gazette* for January 19, 1961, carries a story of the Farmer affair. The discussion of HUAC's rightist ties relies heavily on David Wesley's *Hate Groups and the Un-American Activities Committee*, a recently published pamphlet. Other sources are Carlson, *Under Cover* (New York, 1943), and Gellerman, *Martin Dies* (New York, 1944). A fascinating survey of the Network appears in the *American Right Wing*, by R. E. Ellsworth and S. M. Harris (Urbana, 1960). The discussion of the Committee members relies largely on the *Congressional Record*. The *Washington Post* has devoted much space to Chairman Walter. I have also heavily relied on the files of Charles R. Allen, Jr., who interviewed Walter in 1956 and published two articles about him. The account of Arens' background is based on press stories in *The Compass*, September 2, 1952, *Washington Post & Times Herald*, January 12, 1955, June 19 and July 13, 1956, and the *New York Times*, May 2, and July 13 and 30, 1956.

Two excellent books on the abuse of the investigative power (Chapter 4) are Telford Taylor's *Grand Inquest* (New York, 1955) and Alan Barth's *Government by Investigation* (New York, 1955).

The foundations of Chapter 5 on How Exposure Works are a series of interviews with witnesses, lawyers, psychiatrists and psychotherapists. The statement of William T. Gossett in Chapter 6 is from an article, "Are We Neglecting Constitutional Liberty?, A Call to Leadership" in Volume 28, p. 817 of the *American Bar Association Journal*, and the Elmer Davis quotation is from a lecture at the University of Minnesota given on November 3, 1951. The California Bar censure of staff counsel Arens is reproduced in the *Frontier* magazine for May 1957. The discussion in Chapter 7 about informers' credibility is based on my article, "The Informer," which appeared in the *Nation* for April 10, 1954. Cvetic's current activities are described in an article in the same period-

ical (March 11, 1961) by Hans Engh on the John Birch Society.

Chapter 7 on the press is based on a newspaper survey made in 1960 by a research group in leading American cities; on articles by Alan Barth, "A Moral Challenge to the Press," *Colorado Quarterly*, Autumn 1952; Dozier C. Cade, "Witch-Hunting 1952: The Role of the Press," *Journalism Quarterly*, December 1952; and Irving Dilliard, "Congressional Investigations, The Role of the Press," *University of Chicago Law Review*, Spring 1951; and on an address on June 19, 1953, by Gordon A. Sabine, "Journalism, Journalists and Joe McCarthy," to the Oregon Newspaper Publishers Association. The story of the Cincinnati *Enquirer* and Cecil Scott was first aired in an article, "Cincinnati's Phantom Reds," by James A. Maxwell, in the *Reporter* for September 26, 1950. The account of the Miami *Daily News* and its exposure operation is based on my article, "The Miami Formula," which appeared in the *Nation*, January 22, 1955.

The background of the Baltimore hearings described in Chapter 9 (The Road Shows) is based on local research and interviews. In addition to the press accounts, which gave unusually full coverage to the San Francisco hearings (Chapter 10), I obtained factual material about the hearings and their background from local lawyers and Mrs. Barbara Sherwood, the widow of William K. Sherwood.

The 1959 teacher subpoenas are discussed in detail in Congressman Roosevelt's April 25, 1960, House speech. Further revealing data came to light as a result of a series of questionnaires submitted to the teachers. The student demonstration and the film have been extensively discussed and analyzed in print. By far the most reliable version of the 1960 hearings and student demonstration are the tapes recorded by Berkeley radio station KPFA. A study of the film itself yields rewarding insights into HUAC's techniques. The Bay Area Student Committee has issued an analysis of the film, "In Search of Truth," and the National Council of the Churches of Christ has published "Operation Abolition," a survey of opinion and comment about the film. A closely detailed analysis (unpublished) has been made of the film's accuracy by Russel Joyner, a 36-year-old senior at the University of California who has specialized in content analysis of

propaganda. A challenge to the accuracy of the Hoover report appears in *The Californian* for March 1961.

The discussion of HUAC's harassment of the ECLC (Chapter 12) is based both on the record and on material in the organization's files. A full account of HUAC's quarrel with The Fund for the Republic appears in its Bulletin for September 1956.

The classic study of the religious hate groups (Chapter 13) and what makes them tick is Ralph Lord Ray's *Apostles of Discord* (Boston, 1953). Much of the material in this chapter is based on publications of the National Council of Churches and The Religious Freedom Committee. The National Council has published a comprehensive compilation of documents on the Air Force *Manual* controversy. The most useful study of HUAC's files (Chapter 14) appears in Bishop Oxnam's admirable *I Protest* (New York, 1954). Valuable supplementary material may be found in Ralph S. O'Leary's "Minute Women, Daughters of Vigilantism," *The Nation*, January 9, 1954. The relationships between HUAC and the FBI are acutely explored in *I. F. Stone's Weekly* for November 2 and 9, 1959. A highly illuminating article on "FBI Data and Congress," by L. Edgar Prina, appeared in the *Washington Sunday Star* for April 28, 1957. In the *Syracuse Law Review*, Fall 1956, J. Edgar Hoover discusses "The Confidential Nature of FBI Reports."

The Fund for the Republic's carefully researched two-volume *Report on Blacklisting* by John Cogley (1956) is basic to an understanding of the blacklist phenomenon (Chapter 12). Vivid supplementary material appears in the records of several lawsuits brought to challenge the legality of blacklisting. The Hollywood blacklist is the subject of a useful article by Elizabeth Poe, "The Hollywood Story," in the May 1954 *Frontier*.

The story of the Newark school teachers (Chapter 15) is based on HUAC's records, stories in the Newark *Star-Ledger* and personal interviews. Helpful in evaluating HUAC's legislative claims are the calendars of bills published by the House legislative standing committees (but not by HUAC) and the *Index of General Public Bills*, compiled by the Legislative Reference Service.

The conclusions about the extent and meaning of the anti-HUAC movement among youth are based on a sur-

vey of representative campuses, interviews and a study of college newspapers.

Among those who have been most helpful in furnishing information and suggesting leads are Charles R. Allen, Jr., Max Dean, Joseph Forer, Ruth France, Victor Rabinowitz, Millie White, and Burton White. I am under heavy obligation to Bertram Edises who not only read and commented on two chapters of the text, but made available valuable material from his files. I am grateful to my law partners, Marshall Perlin and Eleanor Jackson Piel, who were generous, patient and cooperative.

Grand Inquest

The Story of Congressional Investigations

by **TELFORD TAYLOR**

Chief Prosecutor of War Criminals at Nuremberg

The Bill of Rights was written into the Constitution to protect the basic freedoms of citizens from governmental encroachment. At the same time the Constitution gives Congress the power to investigate in order to pass sensible legislation and revise out-of-date statutes. In certain crucial periods this power to investigate has been in conflict with basic human rights. Since the end of World War II, a host of congressional committees have literally thrown the Bill of Rights to the wind, transforming legitimate investigation into an inquisition attacking Americans because of their beliefs, their ideas, the books they read, and even on the grounds of their associations and their friends.

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Robert K. Carr, New York Times

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The adventure story
of the battles, betrayals
and victories of American
working men and women

**Richard O. Boyer
Herbert M. Morais**

cc - ~~Redacted~~ Pettit

~~CONFIDENTIAL~~

SAC, New York (100-11342)

November 2, 1955

Director, FBI (100-25688)

u
~~FRANK DONNER~~
SECURITY MATTER - C

u
Reurairtel dated August 26, 1955, advising
of subject's proposed book which would be critical
of the FBI, Department of Justice and Government
security program.

You are instructed to recontact
and determine the present status of the proposed
book. *u*

b7D

2cc - New Haven (100-14085)

BGLP:pjm
(6)
pjm

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF CLASSIFICATION
DATE 9-26-77 6AS/REC

RECORDED-9

100-25688-68
12 NOV 3 1955

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
 Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

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COMM - FBI
NOV 2 1955
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~~CONFIDENTIAL~~

Classified by 2333
Exempt from GDS, Category 2
Date of Declassification Indefinite
Log:cg 9/2/77

Mr. Tolson _____
Mr. Boardman _____
Mr. Nichols _____
Mr. Belmont _____
Mr. Harbo _____
Mr. Mohr _____
Mr. Parsons _____
Mr. Rosen _____
Mr. Tamm _____
Mr. Sizoo _____
Mr. Winterrowd _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

AIRTEL

FBI WASH FIELD

11/2/55

DEFERRED

DIRECTOR (100-25088) AND SAC NEW HAVEN (100-14085)

FRANK JORIS DONNER

SM - C

OO: NH

Re WFO airtel to Director 10/28 and 11/2/55
captioned [redacted] SM - C, BUfile [redacted] (no cc
to NH).

On 10/28 and 11/1/55 [redacted] (protect
identity at request), a self-admitted former member of the
CP from [redacted]
[redacted], orally advised
SAs [redacted] as follows:
(location WFO [redacted])

b6
b7C
b7D

FRANK DONNER was a member of a CP group at the
NLRB in WDC during the period early 1940 to 8/41 at which
time [redacted]. Other
members of this CP unit during this period of time were
[redacted]

[redacted] stated that [redacted]
[redacted]
[redacted] He could
not recall if anyone of these individuals [redacted]
[redacted] and he could not recall if he
[redacted]

OMS: smt

100-2771

1-WFO 101-346

(7)

RECORDED - 65

100-25088-67

AIRTEL

Mr. Belmont

PAGE TWO

[redacted] stated that CP membership [redacted]

[redacted]
[redacted] recalled some of the areas of activity
of this CP group [redacted]
[redacted]

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[redacted] in WDC from
[redacted] : from thence he served with [redacted]
[redacted]
except for military service from [redacted]. He is presently
[redacted] in WDC.

[redacted] identity should be concealed at his
request; he is unwilling to testify in any legal proceedings
regarding CP affiliations of individuals named by him.

Status of instant case in WFO remains RUC.

LAUGHLIN

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: 11/23/55

FROM : SAC, NEW YORK (100-11342)

SUBJECT: FRANK DONNER
SM - C

~~SECRET~~

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.~~

ReBulet, 11/2/55 in instant case.

b7D

On 11/16/55, [] advised SA RICHARD H. BLASSER that he had heard nothing more regarding the book that FRANK DONNER is supposed to be writing.

The following information which was received from NY 1537-S* is believed to possibly relate to the book being written by DONNER:

On 6/22/55, NY 1537-S* advised that a GERRY HEGELBURG (phonetic), visited ISIDORE NEEDLEMAN (Bufile 100-341652) on above date and both men discussed the FRANK IBANEZ (Bufile 100-302080) case. (NEEDLEMAN is an attorney who maintains law offices at 165 Broadway, NYC, and is the subject of an IS - R, ISA OF 1950 case in the NYO.) NEEDLEMAN explained how LEONARD PATTERSON's testimony (INS witness) was discredited. During this conversation, GERRY (phonetic) mentioned he is writing a book about "the role of the informer", that it is about half finished and he desires to use the information about PATTERSON in his book. NEEDLEMAN explained how INS would use JOHN LAUTNER and MANNING JOHNSON (to testify) if a rehearing was held on IBANEZ.

Later the same day, NEEDLEMAN and GERRY (phonetic) resumed their conversation. GERRY mentioned he was doing some work on BENTLEY (ELIZABETH) and it is along "the same line they are following down in Washington." In concluding the conversation, NEEDLEMAN told GERRY that LEONARD PATTERSON has no scruples and MANNING JOHNSON "can be coached to say anything."

Through file review, GERRY HEGELBURG (phonetic) was identified as GERHARD HANS HAGELBURG (Bufile 40-41121, NY 100-48746), who does research for FRANK DONNER, ARTHUR KINOY and MARSHALL PERLIN, attorneys, 342 Madison Avenue, NYC, all subjects of security investigations.

RM

- 1 - New Haven (100-14085) (RM)
- 1 - NY (100-48746) (HAGELBURG) (#6)

RSK:grb

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING SLIP

SUBV. CONTROL

71 JAN 9

336

DATE 9-26-77

Letter to DIRECTOR, FBI
NY 100-11342

~~SECRET~~

~~SECRET~~

The case on HAGELBURG is under investigation to determine his connection with DONNER in the writing of this book.

NYO informants and sources are being contacted for additional information regarding DONNER's book.

~~SECRET~~

~~SECRET~~

~~SECRET~~

~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)
FROM : SAC, NEW HAVEN (100-11342)
SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

DATE: 11-28-55

The last report on this case was closing report of
SA DONALD C. MATER dated 1-11-55 at New Haven, Conn.

Inasmuch as the subject is presently one of the attorneys
defending the Conn. Smith Act subjects in Federal Court,
New Haven, Conn., a report is presently in preparation
and will be submitted to the Bureau at an early date.

Registered Mail
JWP:eam
(3)

100-25688-71

RECORDED-20

24 NOV 29 1955

EX-107

SUBV. CONTROL

71 DEC 2 1955

Office Memorandum • UNITED STATES GOVERNMENT

TO :

DATE:

DIRECTOR, FBI (101-2270)

November 25, 1955

FROM :

SAC, NEW HAVEN ()

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b7D

SUBJECT:

SOURCE OF INFORMATION

Reference is made to Washington Field Office letter dated October 19, 1955, setting forth a list of individuals who, according to () (protect identity), were employed with the NLRB and were members of the Communist Party Unit there.

The above list was covered in an interview with () by SA'S () on November 8, 1955. The following is the result of the interview with ().

() advised he knew () personally as an employee of the NLRB. He stated he had no knowledge that () was in any political activities while in the NLRB. () had no knowledge of () activities at the present time.

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() advised that he knew () but did not have any information to indicate that he was a member of the Communist Party. () did believe that he was a member of a front organization, probably the American League for Peace and Democracy.

() advised he did not know ()

✓ FRANK DONNER

() advised that he has previously furnished information concerning DONNER being a member of the Communist Party while with the NLRB. () advised that he has no further information to furnish concerning DONNER over that furnished on 2/12/54 at which time he stated that DONNER ()

() advised at that

JAD/lrf

cc: Washington Field Office (101-293)

REGISTERED MAIL

(4) 248

52 DEC 9 1955

100-25688
NOT RE
DEC 9 1955

100-25688

[redacted]
[redacted]
[redacted] and Communist Party front organization activities.

[redacted]
[redacted] knew [redacted] as an employee of the NLRB but not as a member of the Communist Party group, but believed he was connected with the Washington Committee for Democratic Action. He stated that [redacted] was a close friend of FRANK DONNER and [redacted].

[redacted]
[redacted] advised that he knew [redacted] as an individual who had [redacted]
[redacted]

[redacted] was a member. He felt that she was a member of the Communist Party by virtue of her attendance but he had no knowledge that she had a membership card. He also was reasonably sure that she was active in the American League for Peace and Democracy or the Washington Committee for Democratic Action as he recalled seeing her at meetings of some Communist Party front organization in Washington, D. C.

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[redacted]
[redacted] advised that to his knowledge [redacted] was not a member of the Communist Party Cell in Washington, D. C.

[redacted]
[redacted] advised that he has no information to furnish which has not previously been furnished the Washington Field Office.

[redacted]
[redacted] advised that he knew [redacted] as an employee of the NLRB and that [redacted]. He advised that [redacted] was not known to him to be in any Communist activity.

[redacted]
[redacted] knew [redacted] as an NLRB employee, but no political activity was known.

[redacted]
[redacted]
[redacted] knew her as a member of the National Lawyers Guild but not as a Communist Party member.

[redacted]
[redacted] advised that he had failed to furnish the name of this individual prior to this date and knew him as an employee of the NLRB. He stated that he also recalled that [redacted]

[redacted] He stated that [redacted]
[redacted]

[redacted] in Washington, D. C. He stated that he recalled [redacted] as active at meetings of the National Lawyers Guild and has a vague recollection that he held some position in the Guild.

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b7D

[redacted]
[redacted] advised that he recalled [redacted] at the NLRB and also the American League for Peace and Democracy and the Washington Committee for Democratic Action in the period [redacted].

[redacted] advised that [redacted]
[redacted] advised that this period was [redacted]. He also stated that she was a member of the American League for Peace and Democracy and the Washington Committee for Democratic Action.

[redacted]
[redacted] advised that he had not furnished the following information concerning [redacted] before but that he recalled now that [redacted] was in the Communist Party [redacted] and that this period was probably [redacted] stated that it was his understanding that [redacted] and that he was still in when [redacted]

[redacted]
[redacted] recalled that [redacted]
[redacted] described as a single
home located in a development of single homes, exact place not
known. He stated that [redacted] was in the Washington Committee
for Democratic Action and was friendly with [redacted].

[redacted]
[redacted] recalled [redacted] as an employee of the NLRB but did
not know him to be connected with the Communist Party or any
group.

[redacted]
[redacted] stated he had not previously furnished the name of
[redacted] but recalled now that he was an employee of the NLRB
and was quite active in one of the Communist Party fronts,
possibly the Washington Committee for Democratic Action. He
stated that he was a close friend of [redacted] and definitely
recalled [redacted]
having come in shortly before [redacted]. He
stated that [redacted] were among the leaders
in the Washington Committee for Democratic Action.

[redacted]
[redacted] recalled [redacted] as an employee of the NLRB and felt
that he was active in the Washington Committee for Democratic
Action. He stated that [redacted]
[redacted] for a short period of time but was unable to furnish
the exact date as he transferred in his work and believes
[redacted]. He stated that
[redacted] was another close friend of [redacted].

[redacted]
[redacted] stated he had no specific recollections that [redacted]
ever attended Communist Party Cell meetings or that she belonged
to the Communist Party.

[redacted]
[redacted] stated that he recalled another former NLRB attorney whom
he met in Washington, D. C. He stated that this was [redacted]
[redacted] who was a field attorney for the NLRB

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b7D

[redacted]

stationed in several regional offices. He stated that [redacted] was in Washington, D. C. a short time before [redacted] [redacted] stated that he first ran into [redacted] at a Communist State Committee meeting in 1936 or early 1937 in New Haven and that [redacted] was introduced as a speaker by the Communist Party State Chairman ISADORE WOFSEY. He stated he has no proof that [redacted] was a Communist Party member but that it is unusual that at a Communist Party State Committee meeting anyone other than a Communist Party member would be a speaker. He stated that [redacted] at the meeting gave a talk on legislative matters. [redacted] stated that it was his understanding that [redacted] was a Communist Party member at that time. [redacted] also advised that while in Washington, D. C. he had no indication that [redacted] was a Communist Party member and also none since [redacted] has returned to Hartford, Conn.

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At the present time [redacted] is an attorney in Hartford and [redacted] [redacted] and a former member of the State Legislature.

[redacted] was questioned regarding his knowledge of VICTOR PERLO and ARTHUR STEIN and he stated he has no recollection whatsoever of these two individuals.

[redacted] has been furnished with a subpoena by the HCUA to report for a Committee Hearing in [redacted] stated that he hoped this would be a closed hearing but that he would testify in any event.

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW HAVEN**

~~CONFIDENTIAL~~

REPORT MADE AT NEW HAVEN	DATE WHEN MADE 12/20/55	PERIOD FOR WHICH MADE 11/28, 29, 30; 12/12, 13/55	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div> : PF
------------------------------------	-----------------------------------	---	---

TITLE FRANK JORIS DONNER <i>Photo, Hotel Passport</i> AGENCY REC'D 8-11-59 RECEIVED 9-24-59 BY <i>[Signature]</i>	CHARACTER OF CASE SECURITY MATTER - C
---	---

SYNOPSIS OF FACTS:

DONNER continues to reside at 30 Dock Rd., Village Creek, South Norwalk, Conn. Maintains law office at 342 Madison Ave., New York City with HARRY SACHER, reported to be a CP member. Subject Attorney of Record at current Smith Act trial in New Haven, Conn. DONNER has been identified by informant as member of Communist Party in National Labor Relations Board (NLRB) in Washington, D.C. during early 1940's. Has recently been identified with National Guardian Readers' Group and Conn. Volunteers for Civil Rights. Member of Board of Directors for 1954-1955 in New York Chapter of National Lawyers Guild. Subject continues to speak about the use of informants and is reported to be writing a book on this subject.

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.~~ (pg. 6)

100-25688-6
AGENCY
REQ. REC'D
DATE FORW. **12-28-55**
HOW FORW. *By [Signature]*
BY *B. B. [Signature]*

DETAILS: OTHERWISE.

All informants mentioned in this report have furnished reliable information in the past unless specifically noted otherwise.

RESIDENCE

Current Norwalk Telephone and City Directories reflect that DONNER continues to reside at 30 Dock Road, Village Creek.

COPIES DESTROYED **7-14-58**
8-200

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES 100-25688-72	INDEXED-37 RECORDED-37
COPIES OF THIS REPORT 4-Bureau (100-25688) (RM) 2-New York (100-11342) (RM) 1-WFO (info) (100-2771) 3-New Haven (100-14085)		SUBV. CONTROL	

NH 100-14085

South Norwalk, Connecticut.

EMPLOYMENT

New Haven Confidential Informant T-1 advised on 1/20/55 that subject and his law partners MARSHALL PERLIN and ARTHUR KINOY had joined attorney HARRY SACHER in his law business at 342 Madison Avenue, New York City.

On April 19, 1955 a hearing was held before the Sub-Committee to Investigate the Administration of the Internal Judiciary at Washington, D.C. at which one HARRY SACHER, an attorney, testified and indicated that he occupies the same suite with attorney FRANK JORIS DONNER at 342 Madison Avenue, New York City.

New Haven Confidential Informant T-2 advised on 6/4/47 that he knew HARRY SACHER, an attorney, to be a member of the CP for many years. Informant stated that SACHER told him that he (SACHER) came out of the ranks of the Young Communist League.

The Communist Party and the Young Communist League have both been designated by the U.S. Attorney General pursuant to Executive Order 10450.

On 4/12/55 U.S. Attorney SIMON S. COHEN, Hartford, Conn., advised that the subject was replacing Attorney MARVIN KARP as attorney of record for the Connecticut Smith Act subjects.

It is publicly known that the subject is presently one of the defense attorneys for the eight Smith Act defendants on trial in the U.S. District Court, New Haven, Connecticut.

CP MEMBERSHIP

New Haven Confidential Informant T-3, a self-admitted former member of the Communist Party and Communist Political Association from [REDACTED] b7D

[REDACTED], advised on 8/23/55 that the subject was a member of the secret Government Communist Party group at the National Labor Relations Board during the period from October 1937 to the mid-summer of 1942. This informant mentioned that DONNER was not a member during this entire period, but only during the period of his employment at the NLRB.

NH 100-14085

Records of the NLRB, Washington, D.C. have been previously checked and have reflected that DONNER was employed at the NLRB, Washington, D.C. from March 22, 1940 until he resigned on January 20, 1945.

New Haven Confidential Informant T-4, a self-admitted former member of the Communist Party from [REDACTED] b7D

[REDACTED], advised on 10/28/55 and 11/1/55 that the subject was a member of the CP group at the NLRB in Washington, D.C. during the period from early 1940 until August 1941.

T-4 advised that the CP group in the NLRB, of which the subject was a member, was a small group which met possibly on a monthly basis at the various members' homes. T-4 stated that these meetings did not fall into any particular pattern and that the chairmanship of the meeting was on a rotating basis. T-4 stated that CP membership cards or books were not issued, but that dues was paid, the exact amounts of which he could not recall, but which he believed to be based on the salary of the individual. T-4 did recall that CP literature was furnished to the group, which literature was read and then destroyed.

AFFILIATION WITH CP FRONT GROUPS

A. National Guardian Readers Group

New Haven Confidential Informant T-5 stated on March 12, 1954 that the National Guardian Readers Group of Bridgeport, Conn. was organized in 1953 by one [REDACTED] described by the informant as a CP member, and consisted of a group of subscribers to the "National Guardian." Informant stated that this group developed into a Marxist Study Group to educate the readers of the "National Guardian" along the CP lines and that from its inception this organization was dominated and controlled by the CP. b6 b7C

New Haven Confidential Informant T-6 advised on 4/27/55 that on 4/22/55 the subject was the main speaker at a meeting of the National Guardian Readers Group held at 62 Buckingham Place, Bridgeport, Conn. T-6 stated that DONNER spoke on "The Informer" and vigorously attacked "the informer system" as used by the Department of Justice in its prosecution of Communist leaders. DONNER alleged that informers were recruited by the FBI because of either fear or because they were paid for

NH 100-14085

their services. He alleged that informers had furnished false information to the FBI in order to enhance their stature as an informer and enable them to be paid more money.

New Haven Confidential Informants T-7 and T-8 on 4/26/55 substantiated the above information supplied by T-6 regarding DONNER's appearance at this meeting.

New Haven Confidential Informant T-9 on 5/2/55 also supplied information regarding DONNER's appearance at this meeting.

B. Connecticut Volunteers for Civil Rights

New Haven Confidential Informant T-5 advised on October 4, 1954 that the CVCR was formed to give financial support to the seven indicted CP leaders in Connecticut facing trial under the Smith Act of 1940. T-5 said that this organization was conceived by the CP and from its inception was dominated and controlled by the CP.

New Haven Confidential Informant T-7 stated on April 26, 1955 that the subject was in attendance at a CVCR testimonial dinner held at the Hotel Garde Ballroom, New Haven, Conn. on April 24, 1955. Informant mentioned that this was a testimonial dinner given in honor of the attorneys who were to defend the Conn. Smith Act subjects and DONNER took no active part in the meeting.

New Haven Confidential Informant T-8 on 4/26/55 substantiated the information furnished by T-7 regarding the subject's attendance at this affair.

C. National Lawyers Guild

The National Lawyers Guild has been cited by the House Un-American Activities Committee as a Communist Party front which is "the foremost legal bulwark of the Communist Party, its front organizations and controlled unions..." This citation appeared in Committee's Report on the National Lawyers Guild Number 3123 dated September 21, 1950.

The June 1954 issue of the "New York Guild Lawyer"; the monthly publication of the New York City Chapter of the NLG reflected on page 1 that FRANK J. DONNER was elected a member of the Board of Directors for the term of 1954 to 1955 in the New York

NH 100-14085

Chapter of the NDG.

D. American Committee for the Protection
of Foreign Born (ACFPB)

The American Committee for the Protection of Foreign Born has been designated by the U.S. Attorney General pursuant to Executive Order 10450.

New Haven Confidential Informant T-10 reported on 12/13/54 that the ACPFB had been advised that the subject's mailing address had been changed from 104 East 40th Street, New York, New York to 342 Madison Avenue, New York, New York.

MISCELLANEOUS

Emergency Civil Liberties Committee--
Conference on an Appeal to Congress for a
Rebirth of Freedom

New Haven Confidential Informant T-11 on 4/22/55 furnished information concerning "Conference on an Appeal to Congress for a Rebirth of Freedom" held on Saturday, April 16, 1955 at Carnegie Hall, New York City, which conference was sponsored by the Emergency Civil Liberties Committee. T-11 stated that subject gave the first talk at this conference on "The Informer as a Tool" in which he cited the activities of various informers for the U.S. Government. Subject went into great detail on how informers operate and how this was a very lucrative business for them in which they could make money not only from their testimony but from lectures, books, films, radio and television.

T-11 stated that the subject proceeded to denounce the informer as a "naturally evil person" because he was a betrayer of people and their privacy which is an ancient democratic right. He accused these informers of lying without any fear of prosecution and attacked them as "the lowest scum of society".

New Haven Confidential Informant T-12 on 5/6/55 also reported DONNER's participation in this conference.

New Haven Confidential Informant T-13 on 6/7/55 furnished a program for a "Conference on an Appeal to Congress for a Rebirth of Freedom" which was to be sponsored by the Emergency

Civil Liberties Committee and which was to be held in Philadelphia, Pennsylvania on Saturday, 6/11/55. This program indicated that "FRANK DONNER, lecturer, author of Nation article 'The Informer'" would be one of the speakers. New Haven Confidential Informant T-14 stated that this meeting actually took place on Saturday, 6/11/55 at the Broadwood Hotel, Philadelphia, Pennsylvania. He stated that the name of FRANK DONNER was listed in the program given out at this conference as one of the participants in the forum entitled "The Politics of Fear". DONNER was listed to speak on the subject "Informers As a Means of Suppression".

New Haven Confidential Informant T-15 advised that FRANK DONNER had spoken at the above mentioned conference in Philadelphia and attacked the informer system presently being used in the courts of the U.S. Government. DONNER alleged that informants were carefully schooled as to what they were to testify to and what they should forget; that all informants operated on the principle of how much they were to be paid. DONNER further alleged that never in the history of this country has it had to stoop to the use of "smutty characters" in persecuting U.S. citizens.

Subject's Alleged Book on Informants

New Haven Confidential Informant T-16 stated on 8/25/55 that the subject is writing a book which is concerned with the FBI and the informant system. The informant advised that the CP is helping DONNER collect material for this book and a review is being made of the transcript of trials in which informants have testified. According to the informant this book reportedly will be anti-FBI and anti-Department of Justice. ~~X~~

T-16 also advised on 9/7/55 that in his opinion undoubtedly the Communist Party originated the idea of DONNER's book. T-16 further advised that in his opinion the most likely sources of information for this book would come from WILLIAM PATTERSON of the Civil Rights Congress and ABNER GREEN of the American Committee for the Protection of Foreign Born because these individuals would logically be the recipients of information concerning the testimony of informants. ~~X~~

New Haven Confidential Informant T-10 made available on 8/29/55 an undated letter from the ACPFB addressed to "Dear Friend" and signed by ABNER GREEN, Executive Secretary. This letter enclosed a questionnaire requesting information

~~CONFIDENTIAL~~

for a survey being conducted by the ACPFB on the use of informants and professional witnesses in deportation and denaturalization proceedings. Some of the questions included in this questionnaire were as follows:

- "1. List cases by names and dates on which informers were used.
- "2. List names of informers or professional witnesses and dates of their appearance in each case.
- "3. If it is impossible to answer (1) and (2) from records, please give detailed summary of number of cases in which informers have appeared.
- "4. How were the informer/witnesses paid? Were they consultants, employees of the Justice Department, or paid solely on a case basis?
- "5. Where the informer/witness was not an employee of the Justice Department, to what extent did he make his living as a professional witness?
- "6. To what extent was the free-lance witness dependent on other types of "anti subversive" activities for his livelihood?
- "10. Do you have any examples of identification made by government witnesses which are remote in time or, for some other reason, highly implausible?
- "11. Do you have any examples of collusion between a principal and a corroborating witness?
- "12. Can you give instances of coercion or blackmailing of government witnesses or their relatives on the basis of "anti-alien" laws or other coercive influences?"

-P-

-7-

~~CONFIDENTIAL~~

NH 100-14085

A copy of this report is being made available to the Washington Field Office for information purposes inasmuch as the subject was active in the CP group at the NLRB in Washington, D.C. during the early 1940's.

Careful consideration has been given to each source concealed and T symbols were utilized in this report only in those instances where identities of informants must be concealed.

INFORMANTS

Identity of Source	Date of Activity- Description	Date Rec'd	Agent to Whom Furnished	Location
T-1: [REDACTED]	Employment of subject.	1/20/55	SA'S [REDACTED] [REDACTED]	100-14085-71
T-2: [REDACTED]	Documentation of HARRY SACHER.			
T-3: [REDACTED]	CP membership of subject, 1937-1942	8/23/55	[REDACTED] ROBERT C. PUTNAM	WFO 121-34-1A6
T-4: [REDACTED]	CP membership of subject while in NLRB	10/28 & 11/1/55	SA'S [REDACTED] [REDACTED]	WFO 101-346 b6 b7C b7D
T-5: [REDACTED]	Used to document CVCR and NCRG			
T-6: [REDACTED]	National Guardian mtng. 4/22/55	4/27/55	SA [REDACTED] [REDACTED]	
T-7: [REDACTED]	" " CRCR Mtng. 4/24/55	4/26/55	" " [REDACTED]	
T-8: [REDACTED]	" " " "	" "	EDW. H. GALL [REDACTED]	

ADMINISTRATIVE

NH 100-14085

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Identity of Source	Date of Activity- Description	Date Rec'd	Agent to Whom Furnished	Location
T-8 (cont'd)	National Guardian mtng. 4/22/55	4/26/55	EDW. H. GALL	[REDACTED]
T-9: [REDACTED]	NG meeting 4/22/55	5/2/55	SHERILL W. LAW	[REDACTED]
T-10: [REDACTED]	Change of address to ACFPB	12/13/54	SA's [REDACTED] [REDACTED]	100-14085-68
	ACFPB letter re informants	8/29/55	SA EVERETT K. DEANE, SE [REDACTED]	100-3620-1A
T-11: [REDACTED]	Rebirth of Freedom Conference, 4/16/55	4/22/55	SA DONALD P. ADAMS	[REDACTED]
T-12: [REDACTED]	" "	5/6/55	SA [REDACTED] [REDACTED]	
T-13: [REDACTED]	Philadelphia Rebirth of Freedom Conf. 6/11/55	6/7/55	SA J. CLIFFORD OUSLEY	PH 100-38212-1A-10
T-14: [REDACTED]	" "	6/14/55	SA JOSEPH G. KELLY	PH 100-38212
T-15: [REDACTED]	Rebirth of Freedom Conf. 6/11/55	6/16/55	SA RUSSELL M. GWYNNE	[REDACTED]
T-16: [REDACTED]	Sub's book	8/25/55		

ADMINISTRATIVE

NH 100-14085

LEADS

NEW YORK DIVISION
At New York, N.Y.:

Will through informants and other sources attempt to obtain information regarding the subject's proposed book.

NEW HAVEN DIVISION
At New Haven, Conn.:

Will follow the subject's current activities during the course of the Smith Act trial in this district.

REFERENCE: New Haven report of SA DONALD C. MATER dated 1/11/55.

ADMINISTRATIVE

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

FROM : SAC, NEW YORK (100-11342)

SUBJECT: FRANK JORIS DONNER
SM-C
(OO: New Haven)

DATE: 1/19/56

Rerep SA [REDACTED] 12/20/55, New Haven.

The following logical informants, familiar with CP activity in the NYC area, were contacted regarding the new book allegedly being written by FRANK DONNER. None of the informants listed below could furnish any information regarding this matter:

[REDACTED] contacted 12/4/55 by SA [REDACTED]

[REDACTED] contacted 11/23/55 by SA EDWARD J. MULHOLLAND

[REDACTED] contacted 11/29/55 by SA EDWARD J. MULHOLLAND

[REDACTED] contacted 12/2/55 by SA EDWARD J. MULHOLLAND

[REDACTED] contacted 11/23/55 by SA EDWARD J. MULHOLLAND

[REDACTED] contacted 12/6/55 by SA JOHN E. GALLAGHER, JR.

On 1/11/56 [REDACTED] advised that he had heard nothing further concerning DONNER's book and to the best of his knowledge this book has not yet been printed.

NY will continue to recontact informants in an effort to determine further information regarding DONNER's new book.

Classified by 2333
Exempt from GDS, Category 2
Date of Declassification Indefinite

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

RECORDED - 51

100-25688-13
19 JAN 24 1956

- 2 - BUREAU (100-25688) (RM)
- 2 - NEW HAVEN (100-14085) (RM) EX - 121
- 1 - NEW YORK (100-11342)
- 1 - NEW YORK (100-48746) (HAGELBURG) (#6)

~~CONFIDENTIAL~~

RBF:jjs

SUBV CONTROL

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: February 16, 1956

FROM : SAC, NEW HAVEN (100-114085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

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b7C

Reference: Report of SA [] dated December 20, 1955 at New Haven, Connecticut, and New York letter to Bureau and New Haven, dated January 19, 1956.

This is to advise that the subject continues to be one of the attorneys of record currently representing the Connecticut Smith Act defendants before Judge ROBERT P. ANDERSON in the U. S. District Court, New Haven, Connecticut.

Since the submission of the above-referenced New Haven report, no further pertinent information has been developed which would warrant the submission of a report at this time. However, it is felt that this case should remain in a pending status, at least during the subject's connection with the Smith Act trial in New Haven, Connecticut and while attempts are being made to acquire information regarding subject's proposed book.

The Bureau and interested offices will be kept advised of any pertinent information regarding the subject.

- 2 - Bureau (Registered Mail)
- 1 - New York (100-11342) (Information) (Registered Mail)
- 1 - New Haven

JWP/mdm
(4)

RECORDED 24

100-25688-74

18 FEB 17 1956

SUBV. CONTROL

63 FEB 21 1956

Office Memorandum

UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)
FROM : SAC, NEW YORK (100-11342)
SUBJECT: FRANK JORIS DONNER
SM-C
OO: NEW HAVEN

DATE: 3/26/56

Re New Haven letter to Bureau, 2/16/56.

For OO's information the "NY Guild Lawyer" (official publication of the National Lawyers Guild (NLG)), in its January, 1956, issue on page 1 contains a list of proposed delegates and alternates, of the NYC chapter, to represent the chapter in the NLG Convention in Detroit, 2/10, - 13/56. FRANK DONNER's name appears as an alternate on this list.

Enclosed for New Haven is one 3X5 card bearing the name FRANK DONNER, Esq., 342 Madison Ave., NY 17, NY. CSPG 132-S, who has furnished reliable information in the past, made this card available to Pittsburgh SA [redacted] on 2/15/56, from Rm. 212, Forbes Building, 3619 Forbes Street, Pittsburgh, Pennsylvania. This office space is occupied by the Pittsburgh Civil Rights Congress, affiliate of the CRC, which has been designated by the Attorney General pursuant to Executive Order 10450.

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b7C

Pittsburgh advised NY, by letter dated 2/23/56, in captioned matter, that strict care must be exercised so that the existence of CSPG 132-S will not become known to any outside agency.

- 2 - Bureau (100-25688) (RM)
- 1 - New Haven (100-14085) (Enc. 1) (RM)
- 1 - New York (100-11342)

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(4)

RECORDED-95

EX-125

100-25688-75
17 MAR 27 1956

58 MAR 30 1956

SUBV. CONTROL

Mr. Pettit

SAC, New Haven (100-14085)

May 4, 1956

Director, FBI (100-25688)

en
FRANK JORIS DOWNER
SECURITY MATTER - C

Now that the Smith Act trial in New Haven has been completed the New Haven and New York Divisions should remain alert for any indication that work on subject's proposed book has been resumed, and any information obtained in this connection should be furnished to the Bureau promptly.

2cc - New York (100-11342)

NOTE ON YELLOW:

Information received in August, 1955, that subject was writing a book which is concerned with the FBI and the informant system. Subject has previously published an article in "The Nation" during 1954 entitled "The Informer" which is critical of the FBI and the informant system. Subject was one of the attorneys defending the Smith Act subjects in recently completed trial at New Haven.

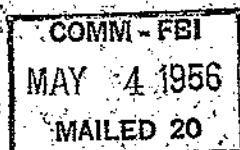
RECORDED - 15

100-25688-76

100-25688-77

MAY 7 1956

EX - 120



Tolson _____
Nichols _____
Boardman _____
Belmont _____
Mason _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Nease _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

BGLP:mab

(6)

FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

Form No. 1

THIS CASE ORIGINATED AT **NEW HAVEN**

REPORT MADE AT NEW HAVEN, CONNECTICUT	DATE WHEN MADE 4-26-56	PERIOD FOR WHICH MADE 4-20, 23, 24, 26-56	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div> acb
TITLE FRANK JORIS DONNER		CHARACTER OF CASE SECURITY MATTER - C	
AGENCY <i>photo. Halc. Passport</i> REQ. REC'D <i>7-11-59</i> REP'T FORW. <i>7-24-59</i> BY <i>ad</i>			

SYNOPSIS OF FACTS:

Subject continues to maintain law office at 342 Madison Avenue, New York City, and to reside at 30 Dock Road, Village Creek, South Norwalk, Conn. Subject was Attorney of Record at recently completed Smith Act Trial in New Haven, Conn. Subject's children attended Camp Woodland, Phoenicia, New York, during Summer of 1955. Subject named at House Committee on Un-American Activities Hearings in Chicago, Illinois, on December 13, 14, 15, 1955, as being member of Communist Party cell of lawyers in the National Labor Relations Board, Washington, D.C., during early 1940's. Name of FRANK DONNER appeared in January, 1956, "N.Y. Guild Lawyer", official publication of the National Lawyers Guild (NLG), as alternate delegate to represent the New York City Chapter of the NLG at its convention in Detroit, Michigan, on February 10 - 13, 1956. Informants, acquainted to some extent with Communist Party activity in New Haven, South Norwalk, and New York City area, are unable to furnish any information regarding DONNER or the book he is allegedly preparing.

- C -

AGENCY *RHS*
REQ. REC'D
DATE FORW. *5/14/56*
HOW FORW. *RHS (cc)*
BY *SP/man*

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.~~

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *CLASSIFICATION*
DATE *9-26-77*

APPROVED AND FORWARDED: <i>LRTV379</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT 4- Bureau (100-25688) (REGISTERED MAIL) 1- New York (100-11342) (info) (RM) 1- WFO (info) (100-2771) (RM) 3- New Haven (100-14085)		RECORDED-125 INDEXED-125 16 APR 30 1956 SUBV. CONTROL

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COPIES DESTROYED

DETAILS:

RESIDENCE AND EMPLOYMENT

GILBERT C. EARLE, Clerk, United States District Court, New Haven, Conn., advised on April 24, 1956, that DONNER had indicated that during the recent Smith Act Trial in the United States District Court in which he was a defense lawyer of record, that his law office is at Room 930, 342 Madison Avenue, New York City, and that he resides at 30 Dock Road, Village Creek, South Norwalk, Conn.

It is publicly known that during the last six months DONNER has been one of two lawyers of record defending the Smith Act defendants on trial in the United States District Court, New Haven, Conn. This trial concluded on March 29, 1956, with six of the eight defendants convicted.

MISCELLANEOUS

It is a matter of public record that from December 13 through 15, 1955, the House Committee on Un-American Activities, held public hearings in Chicago, Illinois, regarding the infiltration of the Communist Party into United States Government Agencies. During these hearings, one MORTON RIEMER, an attorney from Cleveland, Ohio, stated that he was employed by the National Labor Relations Board (NLRB), in Washington, D.C., from January, 1940, until September, 1947. He testified that from January or February, 1940, until the late Spring or early Summer, 1943, he was a member of a Communist Party cell made up of lawyers employed by the National Labor Relations Board. He named FRANK DONNER as one of the members of this cell. X

HERBERT FUCHS, an attorney, also testified at this hearing to the effect that he had been an attorney in the NLRB in Washington, D.C., from 1937 until the late Summer of 1942 and that during this period, he recalled that there were about 17 employees of the NLRB who were members of a Communist Party group within the NLRB. FUCHS testified that he was the head of this Communist Party group. FUCHS further testified that FRANK DONNER, a briefing attorney in the NLRB, was one of this Communist Party group sometime during this period and recalled that DONNER had left his employment at the NLRB to accept employment at the Congress of Industrial Organizations, (CIO), in Washington, D.C. X

FUCHS also testified that he returned as an employee of the NLRB in the latter part of December, 1945, and remained with the NLRB until October, 1948. He stated that upon his return to Washington, D.C., and his employment at the NLRB, he found that a Communist Party cell was still functioning within the NLRB and it was his recollection that FRANK DONNER was one of those still in this group. FUCHS testified that he severed his connections with the Communist Party early in 1946.

Records of the NLRB in Washington, D.C., have been previously checked and have reflected that DONNER was employed at the NLRB, Washington, D.C., from March 22, 1940, until he resigned on January 20, 1945.

On September 13, 1955, [redacted] Camp Woodland, Phoenicia, New York, furnished information to the effect that [redacted] FRANK and MADELINE DONNER, 30 Dock Road, South Norwalk, Conn., had attended Camp Woodland during the Summer camping season of 1955.

T-1, who has furnished reliable information in the past, advised on September 20, 1954, that Camp Woodland was founded in the late 1930's or early 1940's by NORMAN STUDER. He stated that NORMAN STUDER was a Communist Party member, and that the camp was frequented by many Communist Party members during the 1930's and early 1940's, but that during this period, there was no other indication that the camp was controlled by the Communist Party.

An advertisement appeared in the "New York Times Magazine," April 23, 1955, page 74, which included the following: "WOODLAND, Phoenicia, New York, an Interracial Camp Where Children Live and Grow Happily Together," "NORMAN STUDER, Director, 853 Broadway, NYC."

T-2, who has furnished reliable information in the past, advised on July 8, 1954, that DOROTHY WILSON, who T-2 knows to have been a CP member for many years, referred to Camp Woodland as a "progressive camp."

~~CONFIDENTIAL~~

The "N.Y. Guild Lawyer", official publication of the National Lawyers Guild (NLG), in its January, 1956, issue on Page 1, contained a list of proposed delegates and alternates of the New York City Chapter to represent the Chapter in the NLG Convention in Detroit, Michigan, February 10 through 13, 1956. The name of FRANK DONNER appeared as an alternate delegate on this list.

The National Lawyers Guild was cited as a Communist front which is the foremost legal bulwark of the Communist Party, by the Congressional Committee on Un-American Activities, Report on the NLG, Number 3123, dated September 21, 1950.

On January 11, 1956, T-3, who has furnished reliable information in the past, advised that he had heard nothing further concerning DONNER's proposed book and to the best of his knowledge, this book has not yet been printed. ~~Q~~

The following informants, all of whom have furnished reliable information in the past, and who are acquainted with Communist Party activities in the New York City area to some extent, could not furnish any information regarding DONNER or the new book he is allegedly preparing:

T-4	December 4, 1955.
T-5	November 23, 1955
T-6	November 29, 1955
T-7	December 2, 1955
T-8	November 23, 1955
T-9	December 6, 1955.

The following informants, who have furnished reliable information in the past, and who are acquainted to some extent with Communist Party activities in the New Haven - South Norwalk areas, advised they could furnish no information regarding DONNER:

T-10	April 12, 1956.
T-11	April 23, 1956.
T-12	April 11, 1956.
T-13	April 11, 1956.
T-14	April 12, 1956.
T-15	April 23, 1956.
T-16	April 17, 1956.

- 6 -
~~CONFIDENTIAL~~

NH100-14085

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A copy of this report is being made available to the New York Office inasmuch as the Subject maintains his law office in New York City and because New York has alerted informants to provide any information regarding DONNER's new book.

A copy of this report is being furnished to the Washington Field Office inasmuch as DONNER was formerly active in a Communist Party cell at the NLRB in Washington, D.C.

This case was kept in a pending status during the recently concluded Smith Act Trial so that DONNER's activities could be followed and periodic reports submitted on him for the information of the Bureau. Inasmuch as this trial is now concluded, this case is being placed in a closed status.

Careful consideration has been given to each source concealed and T symbols were utilized in the report only in those instances where the identities of the sources must be concealed.

IDENTITY	DESCRIPTION	FURNISHED	AGENT	LOCATION
T-1 is []	USED TO DOCUMENT CAMP WOODLAND ✓			
T-2 is []	USED TO DOCUMENT CAMP WOODLAND ✓			
T-3 is []	negative info re DONNER's book ✓	1-11-56 ✓	unavailable	100-14085-131
T-4 is []	"	12-4-55 ✓	[]	100-14085-131
T-5 is []	"	11-23-55 ✓	EDWARD J. MULHOLLAND	100-14085-131
T-6 is []	"	11-29-55 ✓	"	"
T-7 is []	"	12-2-55 ✓	"	"
T-8 is []	"	11-23-55 ✓	"	"
T-9 is []	"	12-6-55 ✓	JOHN E. GALLAGHER, JR.	"
T-10 is []	negative info re DONNER in Conn. ✓	4-12-56 ✓	SHERRIEL W. LAW	instant report
T-11 is []	"	4-23-56 ✓	LLOYD S. GOODROW	"

NY 100-14085

IDENTITY	DESCRIPTION	FURNISHED	AGENT	LOCATION
T-12 is [redacted]	negative info re DONNER in Conn. ✓	4-11-56 ✓	SA EDWARD H. GALL	instant report
T-13 is [redacted]	"	4-11-56 ✓	SA SHERRILL W. LAW	"
T-14 is [redacted]	"	4-12-56 ✓	SA EDWARD H. GALL	"
T-15 is [redacted]	"	4-23-56 ✓	SA LLOYD S. GOODROW	"
T-16 is [redacted]	"	4-17-56 ✓	SA SHERRILL W. LAW	"

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REFERENCE: Report of Special Agent [redacted] dated December 20, 1955. ✓

ADMINISTRATIVE

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)
FROM : SAC, NEW YORK (100-11342)
SUBJECT: FRANK JORIS DONNER
SM-C
(OO:New Haven)

DATE: 5/25/56

Re New Haven report by SA [redacted] captioned as above, 4/26/56; Bulet to New Haven, 5/4/56, with cc's for NY.

The following is set forth for informational purposes:

Source: [redacted]

Reliability:

Date Received:

Received By:

Location:

PCS (conceal identity per request)

Who has furnished reliable information in the past.

2/20/56

SA JAMES J. KERIN

105-13658

Above source made available a program of the dinner, in honor of ROYAL W. FRANCE, which was given by the World Fellowship of Faiths, on 2/19/56, at 6:30 PM, at the Great Northern Hotel, 118 W. 57th St., NYC. This program listed FRANK DONNER as one of the scheduled speakers.

Source: [redacted]

Reliability:

Date of Activity:

Date Received:

Received By:

Location:

[redacted] (protect by T symbol)

Who has furnished reliable information in the past.

February, 1956

2/13/56

SA [redacted]

[redacted]

Above informant furnished the following information, which should not be disseminated outside of the Bureau, unless, it is carefully paraphrased:

- (2) - Bureau (100-25688) (RM)
- 2 - New Haven (100-14085) (Info.) (RM)
- 1 - New York (100-11342)

HRE:ajc
(5)

RECORDED-20

MAY 28 1956

SUBV. CONTROL

Letter to DIRECTOR, FBI

5/25/56

Re: FRANK JORIS DONNER
SM-C
(OO:New Haven)

On 3/5/56, above source made available to SA
ANTHONY E. CONSTANTINO [redacted]

b7D

[redacted]

The above information is not to be made public
without the usual proceeding of the issuance of a subpoena.

It is believed that [redacted]

[redacted]

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b7C
b7D

On 4/6/56, [redacted] who has furnished reliable
information in the past, furnished SA [redacted]
the following information:

Informant observed a letter, dated 4/3/56, directed
to JOHN ABT. The first paragraph of this letter contained
information about the Smith Act case of MAX MORRIS WEISS;
this letter further reflected in the second paragraph as
follows:

"Mr. Weiss' attorney urgently requests that you
be good enough to send us, at our expense quickly as possible,
copies of all instructions rejected by the court in the Smith
Act cases in which you have been involved."

Letter to DIRECTOR, FBI



5/25/56

Re: FRANK JORIS DONNER
SM-C
(OO:New Haven)

Informant reported that in the left hand corner of the carbon of above letter there was a notation that this same letter had gone to ten individuals. Among them was listed FRANK DONNER - New York.

Referenced Bulet requested NY to remain alert for any indication that work on subject's proposed book has resumed.

The following informants, who have furnished reliable information in the past, were contacted for any additional information concerning the above, with negative results, and instructed to immediately report any information concerning subject, coming to their attention in the future:

<u>Informant</u>	<u>Agent</u>	<u>Date of Contact</u>
	RICHARD H. BLASSER	5/11/56
	RICHARD H. BLASSER	5/11/56
	RICHARD H. BLASSER	5/11/56
		5/11/56
		5/11/56
		5/11/56
		5/17/56
		5/18/56

b6
b7C
b7D

RUC.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (100-25688)

DATE: 7/27/56

FROM : SAC, New Haven (100-14085)

SUBJECT: FRANK JORIS DONNER
SM - C

It has come to the attention of this office that the subject in the latter part of June 1956 testified before the House Committee on Un-American Activities in Washington, D.C. and invoked the Fifth Amendment thirty-three times when asked about past Communist affiliations or whether he knew certain other persons as Communists.

WFO is requested to obtain the transcript of the testimony pertinent to DONNER from the HCUA.

JWP:mrg
(5)
2-Bureau (100-25688) RM
2-WFO (100-2771) RM
1-New Haven

RECORDED-43

100-25688-79

EX-107

20 JUL 31 1956

63 AUG 3- 1956

SUBV. CONTROL

Mr. Pettit

SAC, New Haven (100-114085)

August 3, 1956

Director, FBI

~~CONFIDENTIAL~~

FRANK JORIS DONNER
SECURITY MATTER - C

Now that subject has completed the Smith Act Trial in Connecticut, you should be alert to any indication that he has resumed work on his proposed book. The New York Division is instructed to contact informants and advise the Bureau of any information obtained.

cc - New York (100-11342)

NOTE ON YELLOW:

Information received from [redacted] during August 1955 that subject who has participated in several Smith Act Trials as an attorney was preparing a book dealing with Government witnesses. This book was reported to be critical of the Bureau and informant system.

BGLP:mtb
(5)

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF CLASSIFICATION
DATE 9-26-77 GAV/BOC

RECORDED - 72

100-25088-80

16 AUG 6 1956

Classified by 2333
Exempt from GDS, Category 2
Date of Declassification Indefinite

Bag: 9/6/77

100-107

Olson _____
Nichols _____
Boardman _____
Belmont _____
Cason _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Nease _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

MAILED 2
AUG 3 1956
AUG 9 1956

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO DIRECTOR, FBI (100-25688)

DATE: 8/14/56

FROM: SAC, WFO (100-2771)

SUBJECT: FRANK JORIS DONNER
SM-C
(OO: NEW HAVEN)

Re undated N. H. letter to the Bureau, cc WFO,
received WFO on 8/1/56, requesting a copy of subject's
testimony before HCUA during June, 1956.

DONALD APPEL, HCUA investigator, on 8/6/56,
advised that this testimony would probably be available
about 9/1/56. WFO will follow.

2-Bureau
2-New Haven (100-14005) (RM)
2-WFO
(1-100-22169)
JAC:pgf
(6)

RECORDED - 55

14 AUG 15 1956

EX-107

SUBV. CONTROL

86 AUG 17 1956

Office *m* • UNIT *m* GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: September 24, 1956

FROM : SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

Re New Haven letter to Bureau 7/27/56; Washington Field letter to Bureau 8/14/56.

This case was reopened so that the results of subject's testimony before the House Committee on Un-American Activities (HCUA) in Washington, D. C., in June, 1956, could be acquired.

Washington Field Office has advised that this testimony would probably be available about September 1, 1956.

No further information has been acquired by the New Haven Office regarding the subject since the submission of the last New Haven report on April 26, 1956. Therefore, no report is being submitted at this time. In the event the information to be acquired from HCUA is pertinent, it will be incorporated into a current report.

- 2 - Bureau (RM)
1 - Washington Field (100-2771) (RM)
1 - New Haven
JWP/neb
(4)

56
100-25688-82

18 SEP 25 1956

RECORDED - 78

EX-117

SUBV. CONTROL *[Signature]*

F13
61 SEP 27 1956

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: September 25, 1956

FROM: *JH*
ren SAC, WFO (100-2771)

5 SUBJECT: FRANK JORIS DONNER
SM - C
OO New Haven

Re WFO letter dated August 14, 1956.

Inquiry at HCUA reflects that the above testimony should be released approximately October 1, 1956. WFO will follow.

10 2 - Bureau (100-25688) 2 - New Haven (100-140750) (RM)
1 - WFO 100-2771

JAC:LEB
(5)

RECORDED-90

SEP 28

EX-117

100-25688-83
23 SEP 26 1956

SUBV. CONTROL

3/3
60 OCT 1 1956

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: 9/27/56

FROM : SAC, WFO (100-2771)

SUBJECT: FRANK JOSEPH DONNER
SM - C
(OO: NEW HAVEN)

Re undated NH letter to the Bureau, cc WFO, received WFO 8/1/56, requesting a copy of subject's testimony before HCUA during June, 1956.

Pursuant to this request there is enclosed for the New Haven Office one copy of HCUA publication entitled, "Investigation of Communist Infiltration in Government - Part 6," which contains the testimony of DONNER.

2-Bureau
2-New Haven (100-14005) (Encl. 1) (RM)
2-WFO
(100-22169)
JAC:amk
(6)

RECORDED - 50

6 SEP 28 1956

SUBV. CONTROL

64 OCT 4 1956

EX 104

Office Memorandum • UNIT GOVERNMENT

TO : DIRECTOR, FBI
FROM : SAC, NEW YORK (100-11342)
SUBJECT: FRANK JORIS DONNER
SM-C
(OO: NEW HAVEN)

DATE: 10/3/56

Relet from the Director to NH, 8/3/56.

~~CONFIDENTIAL~~

The following confidential informants, when contacted, advised that they had no further information concerning the subject resuming work on his proposed book:

Informant	Contacted On	Contacted By
[redacted] NY 1286-S*	9/10/56 9/12/56 September, 1956	SA [redacted] SA JOSEPH F. DIFFLEY

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b7C
b7D

The following confidential informants, when contacted, advised that they had no knowledge of the subject resuming work on his proposed book:

Informant	Contacted On	Contacted By
[redacted] NY 694-S*	9/18/56 9/19/56 9/14/56 9/17/56 9/17/56 9/17/56 9/11/56 9/11/56 9/11/56 9/13/56 9/12/56 9/14/56 9/14/56 9/19/56 9/21/56	SA JOHN M. CONLON SA ROBERT E. TAYLOR SA EDWARD J. MULHOLLAND SA EDWARD J. MULHOLLAND SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA CHARLES D. SHORES SA [redacted] SA [redacted] SA [redacted] SA [redacted] SA GUSTAV V. ABRANDT

Classified by 4913
Excluded from automatic
downgrading and
declassification
indefinite

~~CONFIDENTIAL~~

SAS of the NYO, who would most logically come across the type of information requested in the referenced letter, and informants of the NYO, were requested to remain on the alert so that the Bureau and interested offices may be notified immediately in the event that it is learned that the subject has resumed work on his proposed book. BUC.

- 2 - Bureau (RM)
- 2 - New Haven (100-14085) (RM)
- 1 - NY 100-11342

RECORDED - 10/10-28488

2 OCT 4 1956

WMB:AJW 1 OCT 10 1956

SUBV. CONTROL

07-10-19

OFFICE MEMORANDUM . UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (61-7582)

10-12-56

FROM : SAC, DENVER (100-7641)

SUBJECT: HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES
INVESTIGATION OF COMMUNIST ACTIVITIES IN
THE ROCKY MOUNTAIN AREA

FRANK DONNER
SM - C

per - 1 - H. H. 2/26
Report sub - 2/28
J. H. D.
3/5

0-1 NA
2/26/57
A-100

Re Washington Field Office letter to Director
dated 8-27-56.

Bureau files should be checked, and the attached
pages of the testimony furnished to the office of origin
on the subject.

The pages are from the Hearings on Investigation
of Communist Activities in the Rocky Mountain Area before
the Committee on Un-American Activities, House of Repre-
sentatives, 84th Congress, Second Session, held in Denver,
Colorado May 15 through 18, 1956. These pages contain
information regarding the subject.

RICHARD ARENS, Director of the Committee, ques-
tioned the witnesses.

For the information of the office of origin,
current Bureau instructions provide that the testimony
should be reviewed as to each person named therein, and a
determination made as to whether an investigation should be
initiated or case reopened; whether subject should be
included in the Security Index, interviewed, or any other
appropriate action taken. Information furnished by a
witness about other individuals should be channelized to

ENCLOSURE

3 - Bureau (Enc. 1) (REG)

1 - Denver

JCL:eg

(4)

1cc + encl. to New York

RECORDED - 94

EX-125

100-25688-86

25 OCT 16 1956

SUBV CONTROL

52 OCT 22 1956

FNY

DN 100-7641

appropriate files where it pertains to subjects within the territory of reviewing office. Current Bureau instructions provide that where such data pertains to an individual residing elsewhere, all pertinent information in the testimony should be furnished appropriate office under the individual's caption, along with instructions to review and take any action necessary.

A letter should be written to the Bureau on each witness, and on each person identified in the testimony as active in CP activities, along with a statement as to action taken and any recommendation.

~~CONFIDENTIAL~~

GI 2

FEDERAL BUREAU OF INVESTIGATION

b6
b7c

REPORTING OFFICE NEW HAVEN	OFFICE OF ORIGIN NEW HAVEN	DATE 2/28/57	INVESTIGATIVE PERIOD 2/20, 21, 23, 25/57
TITLE OF CASE FRANK JORIS DONNER		REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px;"></div>	TYPED BY MRG
		CHARACTER OF CASE SECURITY MATTER - C 75566	

SYNOPSIS:

DONNER continues to reside at 30 Dock Road, Village Creek, South Norwalk, Conn., and to be employed as a lawyer at 342 Madison Avenue, New York City, with ARTHUR KINOY and MARSHALL PERLIN. Informant reports KINOY in contact with Communist Party leaders during 1956 on legal matters. Another informant states PERLIN active in CP student group at Columbia University in 1946. DONNER presently representing JOSEPH DIMOW and MARTHA STONE ASHER in their appeal from Smith Act convictions in New Haven, Conn. Subject appeared before House Committee on Un-American Activities, Washington, D.C. on June 28, 1956, and invoked Fifth Amendment 33 times when questioned regarding past Communist affiliations or whether he knew certain people as Communists. DONNER's connections with Civil Rights Congress, American Committee for the Protection of Foreign Born, and Committee to End Sedition Laws set out.

APPROPRIATE AGENCIES

AND FIELD OFFICES

ADVISED BY ROUTING

SERIAL(S) OF CLASSIFICATION

DATE 9-26-77

AGENCY

REQ. REC'D 8-11-69

REP'T FORW. 8-24-69

BY *OK*

APPROVED <i>GA</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE ④ Bureau (100-25688) (RM) 1-New York (100-11342) info (RM) 1-WFO (info) (RM) 3-New Haven (100-14085)		100-25688-87	RECORDED-45
COPIES DESTROYED		MAR 4 1957	INDEXED - 45

AGENCY
REQ. REC'D

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE
(ON Pg. 2)

NH 100-14085

DETAILS:

RESIDENCE AND EMPLOYMENT

The current Manhattan Telephone Directory and Manhattan Address Telephone Directory lists FRANK DONNER, ARTHUR KINOY, and MARSHAL PERLIN as attorneys at 342 Madison Avenue, New York City.

On December 18, 1956, a pretext telephone call was made by an agent of the FBI to the above office and it was indicated that the subject continued his employment as a lawyer at this address with KINOY and PERLIN and that [redacted] were also associated with the firm. b6 b7C

N.Y. A pretext telephone call by an agent of the FBI to subject's residence, 30 Dock Road, Village Creek, South Norwalk, Connecticut, on February 23, 1957, revealed that he continues to reside at this address and to be employed at 342 Madison Avenue, New York City.

SUBVERSIVE CONNECTIONS OF ASSOCIATES

ARTHUR KINOY

ASSOCIATED WITH

T-1 and T-2, both of whom have furnished reliable information in the past, advised on various dates in 1956 that ARTHUR KINOY, member of the law firm of Donner, Kinoy, and Perlin, 342 Madison Avenue, New York, had been in contact on a number of occasions on legal matters during 1956 with leading persons in the New York State organization of the CP and national organization of the CP. ~~XX~~

MARSHALL PERLIN

On January 15, 1954, T-3, who has furnished reliable information in the past, advised that he knew PERLIN when PERLIN attended Columbia University Law School in New York City during 1945 to 1947. T-3 advised that PERLIN was active in the CP student group at the Columbia Law School in 1946.

NH 100-14085

[redacted]
T-3 also advised on January 15, 1954, that he knew [redacted]
[redacted] to be an active member of the CP student group at
Columbia University Law School in New York City in 1946.

b6
b7C

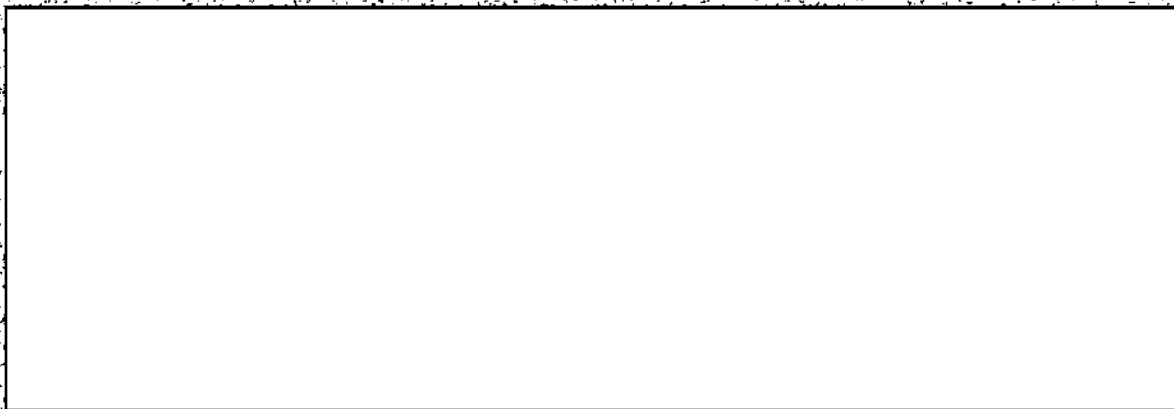
SUBVERSIVE CONNECTIONS OF SUBJECT

LEGAL ACTIVITIES

It is a matter of record that subject is presently representing JOSEPH DIMOW and Mrs. MARTHA STONE ASHER in their appeal before the United States District Court, New Haven, Connecticut, where they were convicted under the Smith Act of 1940 on March 29, 1956.

On May 1, 1956, T-4, who is in a position to furnish reliable information, advised that on [redacted]

b6
b7C
b7D



The above information cannot be made public without the issuance of a subpoena duces tecum.

On May 22, 1956, T-5, who has furnished reliable information in the past, advised that Mrs. MARTHA STONE ASHER, 51 Runyon Street, Newark, New Jersey, had gotten out a mimeographed letter and pamphlet containing her remarks before sentencing at the New Haven, Connecticut, Smith Act Trial. Informant stated that in this letter she indicated that an appeal was being prepared by her attorney, FRANK DONNER.

As a matter of record on May 25, 1956, various civil actions were instituted by the United Electrical Radio and Machine Workers of America (UE) against former officers of the four UE locals located in the New York area. These proceedings were filed in the United States District Court for the Southern and Eastern Districts of New York, and charged that these former officers of the UE had abandoned membership in the UE but continued to control the funds and property of the locals and thereby caused injury to the UE. Among the three law firms representing the UE was that of DONNER, KINOY, and PERLIN, 342 Madison Avenue, New York City. FRANK DONNER appeared in court for the UE on June 1, 1956.

T-6, who has furnished reliable information in the past, advised on November 15, 1956, that FRANK DONNER and ARTHUR KINOY were the UE's legal counsel.

TESTIMONY BEFORE SUB-COMMITTEE OF THE
HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES,
WASHINGTON, D.C., ON JUNE 28, 1956

The "Norwalk Hour," a newspaper published at Norwalk, Connecticut, in its June 29, 1956, edition carried an article to the effect that "FRANK DONNER, a resident of Village Creek here and a practicing lawyer in New York City, who has been counsel for persons accused of Communist connections" has "invoked the Fifth Amendment against forced self-incrimination thirty-three times when asked about past Red affiliations or whether he knew certain other persons as Communists." The article stated that DONNER invoked the Fifth Amendment before the Sub-Committee of the House Committee on Un-American Activities in Washington, D.C. on June 28, 1956, upon the occasion of the committee's inquiring into the "existence of a number of Communist Party cells organized within Government."

A pamphlet issued by the Committee on Un-American Activities entitled, "Investigation of Communist Infiltration in Government" carried the testimony of the subject on June 28, 1956. At the start of the testimony it was mentioned that DONNER had been subpoenaed on September 20, 1955, to appear before the same committee, which met in December 1955. It was pointed out that at that time DONNER was engaged in representing the defendants at the Smith Act trial in New Haven, Conn., and, therefore, his appearance had been deferred.

DONNER mentioned that he had been born in Brooklyn, New York, on February 26, 1911, and had been engaged in the practice of law for about seventeen or eighteen years in Washington, D.C. and New York City. He added that he had a Bachelor and Masters Degree from the University of Wisconsin and later attended the Columbia Law School.

DONNER stated that he had gone to work in the Litigation Section of the National Labor Relations Board in Washington, D.C. early in 1940 and it was brought out that DONNER terminated this employment on January 20, 1945. DONNER declined to answer any questions regarding his associates at the National Labor Relations Board or whether he knew any of them to be Communists.

It was brought out that during the course of the testimony of former National Labor Relations Board employees, HERBERT FUSHS, MORTIMER RIEMER, and HARRY COOPER, DONNER had been identified as a member of the organized group of the CP composed of staff members of the National Labor Relations Board. DONNER was asked as to whether he had been correctly identified as a member of the CP but declined to answer by claiming the Fifth Amendment.

DONNER also declined to answer a question as to whether he had attended any meetings in Washington, D.C. while employed at the National Labor Relations Board at which those in attendance might have been Communist Party members.

It was brought out that after DONNER left the National Labor Relations Board in 1945 he was employed as a lawyer for the CIO under its General Counsel LEE PRESSMAN. He said that he terminated his employment with the CIO and went into private practice in New York City about 1948.

The Committee mentioned that PRESSMAN had appeared before the Committee and had admitted that while General Counsel of the CIO he had numerous conferences with members of the CP regarding labor matters. DONNER declined to answer under the Fifth Amendment whether he had also engaged in such conferences. He did admit that LEE PRESSMAN was responsible for his employment with the CIO.

CONNECTIONS WITH COMMUNIST PARTY FRONT GROUPS

The Communist Party, USA (CP) has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

AMERICAN COMMITTEE FOR THE PROTECTION OF THE FOREIGN BORN (ACFPB)

The ACPFB has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

T-7, who has furnished reliable information in the past, advised on October 12, 1956, that FRANK DONNER had a table at a fund-raising dinner held by the ACPFB in New York City on October 11, 1956. The informant did not know the exact

NH 100-14085

location of the dinner or whether DONNER had actually attended. T-7 mentioned that there were approximately 200 at the dinner and about \$2,000. was collected.

COMMITTEE TO END SEDITION LAWS

T-8, who is in a position to furnish reliable information, advised on October 2, 1956, that the Committee to End Sedition Laws [REDACTED]

b7D

The above information cannot be made public without the issuance of a subpoena duces tecum.

On February 3, 1955, T-9, who has furnished reliable information in the past, advised that the Committee to End Sedition Laws was established in November 1954 at Pittsburgh, Pennsylvania, by ALLAN D. MC NEIL, District Five, Communist Party Member. Informant stated that the main objective of this committee was the abolition of all state sedition laws. The informant said that it was undoubtedly CP sponsored and dominated.

CIVIL RIGHTS CONGRESS (CRC)

The Civil Rights Congress has been designated by the Attorney General of the United States pursuant to Executive Order 104500

T-10, who has furnished reliable information in the past, advised on February 13, 1956, that in February 1956 one FRANK J. DONNER, 342 Madison Avenue, New York City, received a communication from WILLIAM L. PATTERSON, National Executive Secretary of the CRC. The informant speculated that this communication might contain checks or letters related in some way to the ~~dissolution~~ of the CRC.

T-11, who is in a position to furnish reliable information, advised on March 5, 1956, that on February 7, 1956, [REDACTED]

b7D

The above information is not to be made public without the issuance of a subpoena duces tecum.

~~CONFIDENTIAL~~

NH 100-14085

APPENDIX
DOCUMENTATION OF ORGANIZATION

UNITED ELECTRICAL, RADIO, AND MACHINE WORKERS OF AMERICA

UNITED ELECTRICAL, RADIO, AND MACHINE WORKERS OF AMERICA is an independent labor organization with headquarters in New York City. It was publicly expelled from the National Congress of Industrial Organizations (CIO) in convention in Cleveland, Ohio, on November 2, 1949, on authority vested in the National CIO Executive Board to expel any of its affiliates which adhered to the policies and principles of the Communist Party, rather than to the objectives set forth in the Constitution of the CIO.

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~~CONFIDENTIAL~~

NH 100-14085

ADMINISTRATIVE

Instant report is being prepared in order to bring the Bureau and interested offices up-to-date on DONNER's activities inasmuch as he makes frequent appearances throughout the country defending Communists.

Copy of this report is being sent to New York for information purposes inasmuch as the subject has his office in New York City.

Copy is being sent to the WFO inasmuch as DONNER formerly was employed in Washington, D.C. and has appeared before the House Committee on Un-American Activities there.

Pretext phone call to the subject's office in New York City was made on 12/18/56 by SA [redacted] using the pretext of a fellow tenant at 342 Madison Avenue, New York, attempting to clarify the words "attorney" and "lawyer". Pretext phone call to the subject's home in South Norwalk, Conn., was made by the reporting agent as a prospective client attempting to locate DONNER.

Consideration has been given to all sources concealed and T symbols were utilized only in those instances where deemed essential.

INFORMANTS

<u>Identity of Informant</u>	<u>Description of Information and/or Date of Activity</u>	<u>Agent to whom Furnished</u>	<u>File Where Located</u>
T-1 is NY-1726-S*	Used to document ARTHUR KINOY	✓	
T-2 is NY-1727-S*	Used to document ARTHUR KINOY	✓	

ADMINISTRATIVE PAGE

NH 100-14085

INFORMANTS (cont.)

b6
b7C
b7D

T-3 is

[REDACTED]

Used to document MARSHALL PERLIN and

[REDACTED]

T-4 is

[REDACTED]

100-14085-154

New Haven, Conn.

T-5 is

[REDACTED]

NK 100-40134-1A-

53

T-6 is

[REDACTED]

[REDACTED]

T-7 is

WF-822-S*

Instant file

T-8 is

[REDACTED]

Instant file

Pittsburgh, Pennsylvania

T-9 is

[REDACTED]

[REDACTED]

T-10 is

[REDACTED]

[REDACTED]

T-11 is

[REDACTED]

NY 100-84275

REFERENCE

Report of SA [REDACTED] dated 4/26/56

ADMINISTRATIVE PAGE

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: 3-15-58

FROM : SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SECURITY MATTER - C

Re New Haven letter dated March 7, 1958, entitled "COMMUNIST PARTY, USA, FUNDS, IS-C", wherein subject was suggested as a possible "angel". Reference letter advised the Bureau that this office would submit a separate communication in which a recommendation relative to an interview with the subject would be made.

The Bureau is referred to New Haven letter dated February 28, 1958, entitled "COMMUNIST PARTY, USA, FUNDS, IS-C", which sets forth the basis for the possibility that the subject might be an "angel".

BACKGROUND AND PERSONAL HISTORY

MAS FRANK JORIS DONNER claims birth in Brooklyn, New York, February 25, 1911. He studied at the University of Wisconsin and received a law degree in 1937 from Columbia University. He was employed as an attorney by the National Labor Relations Board in Washington, D. C., from 1940 to 1945 and is reported to have been Assistant General Counsel for the Congress of Industrial Organizations (CIO) from 1945 to 1949. He has been engaged in private practice in New York City since 1949. His firm, Donner, Kinoy, and Perlin is located at 342 Madison Avenue, New York City.

DONNER lives on Dock Road, South Norwalk, Connecticut, and commutes to New York City. His wife, MADELINE JAFFEE, is reported to be the sister of PHILIP J. JAFFEE, who was involved in the "Amerasia" investigation.

DONNER has been identified by three admitted former Communists as a Communist Party (CP) member in Washington, D. C. during the early 1940's when he was with the National Labor Relations Board. He has been a member of the Board of Directors of the National Lawyers Guild. Over a period of years, he has been in frequent contact with leaders of the New York State and National offices of the CP concerning legal matters. He was a defense attorney in the Smith Act Trial in Connecticut, assisted the defense in the Smith Act case in

2-Bureau (RM)
1-New York (100-11342) (RM)
1-New Haven
JJW:mrs
(4)

62 MAR 27 1958 F139

REC-47
100-25688-88
MAR 18 1958
SUBV CONTROL

Philadelphia, and has been consulted in appeals involving CP leaders in other districts. The subject's firm, DONNER, KINOY, and PERLIN, has represented the United Electrical, Radio, and Machine Workers of America, a union which was expelled from the CIO as Communist influenced, in litigation during the past two years. There have been sizable fees paid the firm during this period out of the "UE Defense Fund" account. For example, in July, 1957, checks for \$7,000 and \$540 were issued to the firm from this account; In September, 1957, \$3,000; In October, 1957, \$2,921.97. In November the firm received a check for \$540 and in December, 1957, two checks: one for \$1,368.76; and another for \$415.60.

DONNER wrote a magazine article in April, 1954, in which he criticized the government's use of "Informers". It was reported in 1956 that he was assembling material on this same subject for a book.

DONNER was a witness before the House Committee on Un-American Activities in June, 1956, and he plead the First and Fifth Amendments when questioned about his activities and associates.

RECOMMENDATION

In view of the subject's dependence upon the CP causes for a substantial portion of his practice, his attitude when called before the HCUA, his condemnation of the use of "Informers" by the government, it would appear that there is no prospect of gaining his cooperation. Until such time as there is some indication that DONNER has become unsympathetic to the CP or is in disfavor with the CP, it is felt he should not be interviewed.

Inasmuch as DONNER's principal activity is in New York City, the New York Office is requested to consider the recommendation made by this office; and if New York disagrees the Bureau should be advised.

Director, FBI (100-3-74-39)

May 22, 1957

SAC, Pittsburgh (100-8527-Sub C)

COMPROS - PITTSBURGH
IS - C

Remytel to Bureau, 5/13/57, re FRANK DONNER's having been secured as counsel for Defendants WILLIAM ALBERTSON and IRVING WEISSMAN.

A check of Criminal Docket No. 13531 (United States of America vs. STEPHEN MESAROSH, Et Al), U. S. District Court Clerk's Office, New Federal Building, Pittsburgh, Pa., on 5/21/57 failed to reflect that DONNER had entered a formal appearance for the above defendants as of that date.

The Bureau is also referred to my letter of 4/10/57 regarding the conference between U. S. Attorney D. MALCOLM ANDERSON and U. S. District Court Judge RABE F. MARSH concerning the retrial date of the Pittsburgh Smith Act case. For the information of the Bureau, the "Pittsburgh Post-Gazette," local daily newspaper, contained an article in its issue of 5/21/57 to the effect that DEBORAH MARSH, six-year old daughter of Judge MARSH, had died from anemia in Children's Hospital, Pittsburgh, on the night of 5/19/57.

100-25688-✓
NOT RECORDED
186 MAY 27 1957
INITIALS ON ORIGINAL

- 2 - Bureau (RM)
- 1 - New Haven (RM) (100-10841-S2-C)
- 1 - New York (RM) (100-81752-Sub 2)
- 1 - Pittsburgh

JTM/jop
(5)

53 JUN 4 1957

ORIGINAL FILED IN 100-3-74-39-1

DIRECTOR, FBI

May 21, 1957

SAC, NEW HAVEN (100-10841-Sub 2-C)

COMFROB - PITTSBURGH
IS-C

Reference: Pittsburgh teletype to Bureau, dated May 13, 1957,
which requested New Haven Office to furnish any additional
copies of reports regarding FRANK DONNER, not already in the
possession of the Pittsburgh Office.

The following reports are being furnished to the Pittsburgh
Office herewith:

Report of SA DONALD C. MATER, dated 1/11/55, at New Haven;

Report of SA [redacted] dated 12/20/55, at New Haven;

Report of SA [redacted] dated 4/26/56, at New Haven;

Report of SA [redacted] dated 2/28/57, at New Haven.

RUC.

2 - Bureau (RM)
2 - Pittsburgh (100-8527-Sub C) (Encls. 4) (RM)
2 - New Haven (1- 100-11085 FRANK DONNER)
JWP/mdm
(6)

66 MAY 29 1957

100-25687-
NOT RECORDED
194 MAY 24 1957

INITIALS ON ORIGINAL

ORIGINAL FILED IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: 3/28/58

FROM : SAC, NEW YORK (100-11342)

SUBJECT: FRANK JORIS DONNER
SM-C

ReNHlet 3/15/58, recommending that DONNER not be interviewed.

Review of DONNER'S file, NYO, does not reflect any information which would furnish a basis for disagreeing with NH recommendation. It is not believed DONNER should be interviewed at this time. RUC.

REC-77

100-25688-89
2 APR 1 1958

- 2-Bureau (100-25688) (RM)
- 1-New Haven (100-14085) (RM)
- 1-New York (100-11342)

WMD:ngb LBI

(4) NEW YORK SECURITY SEC:

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1958

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EX-128

APR 3 1 33 PM '58

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SUBV CONTROL
INT SEC

[Handwritten signature]

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: May 31, 1958

FROM : SAC, NEW HAVEN (100-14085)

SUBJECT: FRANK JORIS DONNER
SM - C

Re: New Haven letter 3/15/58 in captioned matter which set forth background and personal history of DONNER and recommended that he not be interviewed failing some indication of disaffection from the CP.

In connection with investigation into DONNER's financial activities with reference to the possibility that he may be a Communist Party (CP) "angel," it is deemed desirable to request the Bureau at this time to obtain uncertified copies of DONNER's income tax returns for the years 1950-1957, if such are available.

For the information of the New York Division and the Bureau, a survey of banking institutions in the Norwalk, Connecticut, area has resulted in locating only one account for DONNER, a joint checking account held by him and his wife. A review of the activity of this account reflects that it is used largely for payment of household and minor expenses. New York is therefore requested to expedite investigation into DONNER's financial activities within the confines of that division.

- 2 - Bureau (RM)
2 - New York (100-11342) (RM)
2 - New Haven
(1 - 100-14085)
(1 - 100-10640 CP FUNDS)

WEN:meh
(6)

REC-6400-25688-90

2 JUN 3 1958

Let To NH
6-16-58

67 JUN 26 1958

IN THE
SURV CONTROL
JUN 10 1958

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (100-25688)

DATE: 7/29/58

FROM : SAC, NEW YORK (100-11342)

SUBJECT: FRANK JORIS DONNER
SM - C
(OO:NH)

Re New Haven letter to Bureau, dated 5/31/58.

On 6/13/58, [redacted] Chase Manhattan Bank, 18 Pine Street, New York City, advised that FRANK J. DONNER had a special checking account at his branch on Madison Avenue at 52nd Street, New York City. The balance in the account was \$172.30 as of 6/13/58.

b6
b7C
b7D

On 6/30/58, [redacted] stated that there were about 8 routine cancelled checks in the account for the month of June, 1958, payable to various public utilities. It was noted there was nothing pertinent among the cancelled items.

A further contact with [redacted] relative to DONNER's special checking account is contemplated within the next three weeks. If no pertinent information is developed, no further attempt will be made to monitor this special checking account.

The source of the above information, [redacted] is to be concealed by a T-symbol at his request. He has furnished reliable information in the past. The above information was furnished to SA ANTHONY E. CONSTANTINO.

- 2 - Bureau (100-25688) (RM)
- 2 - New Haven (100-14085) (RM)
- 1 - New York (100-11342)

VJA:jjj
(5)

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192
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100-25688-91
FBI
JUL 31 1958
SUBV. CONTROL

& 2 to New Haven
Decker

SAC, New Haven (100-10046)
(100-14035)

June 16, 1958

Director, FBI (100-3-65)
(100-25688) ✓

COMMUNIST PARTY, USA
FUNDS
INTERNAL SECURITY - C

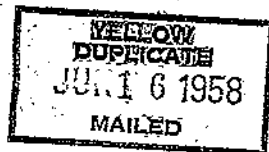
FRANK JORIS DONNER
SECURITY MATTER - C ✓

Reurlet May 31, 1958, entitled "Frank Joris
Donner, SM-C."

Inasmuch as your investigation of Donner to date
has failed to reflect any positive information that he
has contributed money to the Communist Party (CP), your
request that the Bureau obtain Photostats of his income
tax returns for the period 1950-1957 is denied. For
your information, prior experience has shown that while
individual income tax returns may tend to indicate that a
person is financially able to make contributions to the
CP, such returns, in all probability, would not reflect
contributions as such to the CP.

NOTE ON YELLOW:

Review of available information concerning
Donner reflects that he has been a CP member in the past
and, as an attorney, has defended communists in various
legal actions. There is no information that he has made
any contributions to the CP.



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172 JUN 17 1958

Tolson _____
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Belmont _____
Mohr _____
Nease _____
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Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____
Gandy _____

AJD:pw
(6)

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67 JUN 20 1958

DIRECTOR, FBI (100-3-63)
(100-25688)

July 24, 1958

SAC, NEW HAVEN (100-10340)
(100-14085)

COMMUNIST PARTY, USA FUNDS
INTERNAL SECURITY - C

FRANK JORIS DONNER
SECURITY MATTER - C

Re New Haven letter to Bureau dated May 31, 1958,
entitled "FRANK JORIS DONNER, SM-C".

As reflected in referenced letter, a complete survey
of banks in the Norwalk-Stamford, Connecticut, area reflected
only one bank account for DONNER, that being a joint account
with his wife at the City National Bank, South Norwalk,
Connecticut. Regular rechecks of this account since first
located have reflected no information of value in this matter,
and further, would seem to indicate that this account is used
only for household and like incidental expenses of small
amounts. Bank officials have indicated that the account is
constantly being overdrawn. They indicated also, that nearly
all the checks in the account are drawn by MADELINE DONNER,
the wife of the subject.

As requested in referenced letter, New York is requested
to expedite investigation into subject's financial activities
in that Division.

3-Bureau (RM)
2-New York (100-11342) (RM)
2-New Haven
(100-10340)
(100-25688)
AFD/mra
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NOT RECORDED
164 JUL 29 1958

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